

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 2 March 2006

(Extract from book 2)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AC

The ministry

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

Legislative Council committees

Privileges Committee — The Honourables W. R. Baxter, Andrew Brideson, Helen Buckingham and Bill Forwood, Mr Gavin Jennings, Ms Mikakos, the Honourable R. G. Mitchell and Mr Viney.

Standing Orders Committee — The President, the Honourables B. W. Bishop, Philip Davis and Bill Forwood, Mr Lenders, Ms Romanes and Mr Viney.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-FIFTH PARLIAMENT — FIRST SESSION

President: The Hon. M. M. GOULD

Deputy President and Chair of Committees: Ms GLENYYS ROMANES

Temporary Chairs of Committees: The Honourables B. W. Bishop, R. H. Bowden, Andrew Brideson, H. E. Buckingham,
Ms D. G. Hadden, the Honourable J. G. Hilton, Mr R. F. Smith and the Honourable C. A. Strong

Leader of the Government:

Mr JOHN LENDERS

Deputy Leader of the Government:

Mr GAVIN JENNINGS

Leader of the Opposition:

The Hon. PHILIP DAVIS

Deputy Leader of the Opposition:

The Hon. ANDREA COOTE

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

The Hon. D. K. DRUM

Member	Province	Party	Member	Province	Party
Argondizzo, Ms Lidia	Templestowe	ALP	Jennings, Mr Gavin Wayne	Melbourne	ALP
Atkinson, Hon. Bruce Norman	Koonung	LP	Koch, Hon. David	Western	LP
Baxter, Hon. William Robert	North Eastern	Nats	Lenders, Mr John	Waverley	ALP
Bishop, Hon. Barry Wilfred	North Western	Nats	Lovell, Hon. Wendy Ann	North Eastern	LP
Bowden, Hon. Ronald Henry	South Eastern	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Broad, Ms Candy Celeste	Melbourne North	ALP	Mikakos, Ms Jenny	Jika Jika	ALP
Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Ms Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip ³	Silvan	Ind Lib
Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Hadden, Ms Dianne Gladys ²	Ballarat	Ind	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	Nats	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy ¹	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

¹ Ind from 17 September 2004
ALP from 10 November 2005

² Ind from 7 April 2005

³ Ind Lib from 30 November 2005

CONTENTS

THURSDAY, 2 MARCH 2006

JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL		
<i>Introduction and first reading</i>	567	
TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL		
<i>Introduction and first reading</i>	567	
RAIL SAFETY BILL		
<i>Introduction and first reading</i>	567	
PETITIONS		
<i>Schools: public education</i>	567	
<i>Hazardous waste: Nowingi</i>	567	
ABORIGINAL AFFAIRS VICTORIA		
<i>Indigenous affairs report 2004–05</i>	567	
EDUCATION AND TRAINING COMMITTEE		
<i>Promotion of mathematics and science education</i>	567	
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE		
<i>Victorian Auditor-General's Office:</i>		
<i>performance audit</i>	569	
<i>Meetings</i>	584	
PAPERS.....	569	
BUSINESS OF THE HOUSE		
<i>Adjournment</i>	570	
MEMBERS STATEMENTS		
<i>Government: financial management</i>	570	
<i>Queenscliff Maritime Weekend</i>	570	
<i>Questions on notice: answers</i>	570	
<i>Bushfires: government response</i>	571	
<i>Fishing: enforcement officers</i>	571	
<i>Prime Minister: performance</i>	571	
<i>Australian Labor Party: Geelong candidates</i>	571	
<i>Office of the Victorian Workplace Rights Advocate: establishment</i>	572	
<i>Water: fluoridation</i>	572	
<i>Youth: government policy</i>	573	
<i>Mining: Mount Egerton licences</i>	573	
<i>Danny Sandor</i>	573	
<i>Australian Labor Party: women</i>	574	
<i>Adrian Fisher</i>	574	
<i>Civil unions: recognition</i>	574	
STATEMENTS ON REPORTS AND PAPERS		
<i>Harness Racing Victoria: report 2004–05</i>	575	
<i>Peter MacCallum Cancer Institute: report 2004–05</i>	575	
<i>Library Board of Victoria: report 2004–05</i>	576	
<i>Phillip Island Nature Park Board of Management: report 2004–05</i>	577	
<i>Victorian Government Purchasing Board: report 2004–05</i>	578, 582	
<i>Community visitors: report 2004–05</i>	579	
<i>Economic Development Committee: thoroughbred breeding industry</i>	580	
<i>Public Accounts and Estimates Committee: budget estimates 2005–06</i>	581	
<i>Sustainability and Environment: report 2004–05</i>	583	
CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL		
<i>Second reading</i>	594, 608	
<i>Third reading</i>	611	
<i>Remaining stages</i>	611	
QUESTIONS WITHOUT NOTICE		
<i>Commonwealth Games: parliamentary secretary</i>	598	
<i>Commonwealth Games: community participation</i>	599	
<i>Commonwealth Games: tree planting</i>	600	
<i>Commonwealth Games: public transport</i>	601	
<i>Hazardous waste: Nowingi</i>	602	
<i>Commonwealth Games: Big Issue</i>	603	
<i>Mining: Mount Egerton licences</i>	604	
<i>Occupational health and safety: Comcare</i>	604	
<i>Major projects: government policy</i>	605	
<i>Consumer affairs: credit</i>	607	
<i>Supplementary questions</i>		
<i>Commonwealth Games: parliamentary secretary</i>	599	
<i>Commonwealth Games: tree planting</i>	601	
<i>Hazardous waste: Nowingi</i>	603	
<i>Mining: Mount Egerton licences</i>	604	
<i>Major projects: government policy</i>	606	
QUESTIONS ON NOTICE		
<i>Answers</i>	607	
INFRINGEMENTS BILL		
<i>Introduction and first reading</i>	611	
CRIMES (DOCUMENT DESTRUCTION) BILL		
<i>Second reading</i>	611	
GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL		
<i>Second reading</i>	613	
LIQUOR CONTROL REFORM (AMENDMENT) BILL		
<i>Second reading</i>	614	
ADJOURNMENT		
<i>Rail: Gippsland line</i>	623	
<i>Commonwealth Games: floating fish</i>	624	
<i>Rail: Stony Point–Frankston line</i>	624	
<i>Mitchell: councillors</i>	624	
<i>Police: south-west Victoria</i>	625	
<i>Moorooduc Highway–Bentons Road, Moorooduc: roundabout</i>	625	
<i>Neighbourhood houses: funding</i>	626	
<i>Transport: driver fatigue</i>	626	
<i>Schools: Bendigo</i>	626	
<i>Sheep: mulesing</i>	627	
<i>Country Fire Authority: enterprise bargaining agreement</i>	627	
<i>Responses</i>	628	

Thursday, 2 March 2006

The **PRESIDENT** (Hon. M. M. Gould) took the chair at 9.34 a.m. and read the prayer.

**JUSTICE LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL**

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

**TRANSPORT LEGISLATION (SAFETY
INVESTIGATIONS) BILL**

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

RAIL SAFETY BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

PETITIONS

Schools: public education

Hon. D. McL. DAVIS (East Yarra) presented petition from certain citizens of Victoria requesting that any new legislation dealing with the state public education and training system — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal, public in purpose, outcome, ownership and accountability, and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers money (424 signatures).

Laid on table.

Hazardous waste: Nowingi

Hon. D. K. DRUM (North Western) and Hon. B. W. BISHOP (North Western) presented petitions from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region (619 and 572 signatures respectively).

Laid on table.

ABORIGINAL AFFAIRS VICTORIA

Indigenous affairs report 2004–05

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs), by leave, presented report.

Laid on table.

**EDUCATION AND TRAINING
COMMITTEE**

**Promotion of mathematics and science
education**

Hon. H. E. BUCKINGHAM (Koonung) presented report, including appendices, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Hon. H. E. BUCKINGHAM (Koonung) — I move:

That the Council take note of the report.

In doing so I begin by saying how particularly proud I am of this report. It is the culmination of over 12 months hard work by everyone on the all-party committee. Australia's future prosperity is highly dependent on its ability to compete globally. We have been very good at this, particularly in scientific areas. We have invented the black box recorder, over-the-horizon radar and the bionic ear, and just recently two of our doctors received the Nobel prize for recognising the bacteria that causes ulcers. We are very good, but will we continue to be good in the future? We will if we get kids to do science and maths at school, get them to go on with that at university and turn them into scientists further down the track. The committee found that Victoria is achieving some excellent outcomes in mathematics and science education. However, there is considerable variability in the quality

of maths and science education and in the outcomes for certain groups of students. Therefore the committee's vision is for Victoria's primary and secondary schools to give a high priority to the teaching and learning of maths and science.

The committee received and heard evidence that it is necessary to increase the level of engagement of many students in maths and science early in their secondary schooling. I saw in the *Age* yesterday that Julie Bishop, the federal Minister for Education, Science and Training, says the same thing. She has asserted that science should be introduced at the kindergarten level. The committee did not find that, but we certainly endorsed the notion of it being introduced early, particularly at the primary school level. The same article reports Tim Brown, the president of the Australian Council of Deans of Science, as saying that the federal government should look at the fact that higher education contribution scheme fees are higher for teachers who go on to teach maths and science than for those who go on to teach English, history and other humanities subjects. Our committee also looked at that, and we have made a recommendation that the Ministerial Council on Education, Employment, Training and Youth Affairs look into this. I personally feel it is very unfair that you start your teaching career with a higher debt if you are a science teacher than if you are an English teacher or a history teacher, which is my background.

The committee investigated curriculum structure, trends in enrolment in maths and science, trends in student achievements, and participation and achievement differences between students. We also investigated student engagement, which was one of the strongest themes to arise during the committee's inquiry — what gets kids interested in doing science and maths in school. I would like to quote from the committee's report:

The committee heard that effective student engagement depends on students enjoying their studies in mathematics and science, being confident in their ability and recognising the relevance of these subjects to everyday life, now and in the future.

Isn't that true of all education? The report continues:

The learning environment was identified as an important factor contributing to student engagement in both mathematics and science. The committee also heard of the significant role that parents and families can play in supporting students' mathematics and science studies.

Students and teachers consistently emphasised the importance of various investigative processes to engage students, like practical work, demonstrations and

experiments on fieldwork. However, we heard that the frequency and quality of science education varies throughout Victoria. The committee found there was much exemplary science practice and investigation taking place in schools but that the level, quality and availability of scientific equipment varied greatly. The committee therefore calls on the Victorian government to develop a five-year plan for science laboratory equipment in primary and secondary schools as part of a strategic statement on maths and science education. I heartily endorse that call.

This was a far-reaching, all-party inquiry, the findings of which were unanimously agreed to. I am particularly proud of and pleased with the recommendations for future mandated professional development for teachers, the development of relevant curriculum, the requirement to monitor enrolment and achievement trends against forecasted future work force requirements and the recommendation that calls for the development of the five-year plan for science laboratory equipment in primary and secondary schools.

I thank all the members of the committee for their contributions and work: Steve Herbert, Nick Kotsiras, Anne Eckstein, Janice Munt and Victor Pertou, in the other house the members for Eltham, Bulleen, Ferntree Gully, Mordialloc and Doncaster respectively; and I particularly thank the Honourable Peter Hall from this house, who has a background in maths teaching, for his experience and the measured contribution he made to the inquiry.

In the remaining seconds I would like to thank the staff — Karen Ellingford, the executive officer, Andrew Butler and Eva Tench — who all worked exceptionally hard on this inquiry.

Hon. P. R. HALL (Gippsland) (*By leave*) — After that wrap by my colleague the Honourable Helen Buckingham I would also like to make a couple of comments on this report. I, too, would like to express my gratitude to the staff — Karen Ellingford, Andrew Butler and Eva Tench — for their fine work in assisting the committee. The presentation of this report shows it to be one of the better reports to be tabled in Parliament. The report contains a lot of useful statistics, information and background material in an easy-to-read form, and for that we give credit to those involved in the compilation of the report — the staff of the Education and Training Committee.

I also extend my thanks to my fellow members on the committee, particularly to the chair, Steve Herbert, the member for Eltham in the Legislative Assembly; the

deputy chair, Nick Kotsiras, the member for Bulleen in the other place; my very good colleague the Honourable Helen Buckingham, who had a lot of personal input into this report; and the other members of the committee who are members of the Assembly, Anne Eckstein, the member for Ferntree Gully, Janice Munt, the member for Mordialloc, and Victor Perton, the member for Doncaster.

As Mrs Buckingham said, one of the important issues to come out of the report is student engagement and how important it is that we capture the attention and interest of young students if they are to do well in maths and science. I do not think it needs to be said how important an education in maths and science is for people today and for the future of this nation.

The inquiry extended far and wide. I did not take the overseas trip that was undertaken by some members of the committee, but I did have the opportunity to travel to different parts of Victoria, to visit schools and see what they were doing with maths and science. Some schools are doing it very well, and we congratulate them — they could teach others quite a deal. Others are being handicapped by a lack of resources in some instances and in others by a lack of staff. They are all issues addressed in the report.

I am pleased to be a member of the committee and pleased that as a committee we were able to work together and present a unanimous report to Parliament.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Victorian Auditor-General's Office: performance audit

Hon. BILL FORWOOD (Templestowe) presented report on review of report of performance audit of Victorian Auditor-General's Office.

Laid on table.

Ordered to be printed.

Hon. BILL FORWOOD (Templestowe) — I move:

That the Council take note of the report.

In 2004 the Parliament appointed Mr John Phillips of Acumen Alliance to do the performance audit of the Victorian Auditor-General's Office, and his report was tabled in December 2004.

As members know, the Auditor-General is an officer of the Parliament and reports to the Parliament, not to the executive. Because the office operates with a high degree of independence it has a performance audit every three years. The report done by Mr Phillips has been reviewed by the Public Accounts and Estimates Committee. We look at the findings and recommendations made by the performance auditor and outline the Auditor-General's response, and this report contains some comments and conclusions by the Public Accounts and Estimates Committee.

I should make the point that Mr Phillips found — and this is shown on page 13 of our report — that the Auditor-General and the audit office are complying with the legislative objectives, undertaking the audit mandate in accordance with the Audit Act and Australian auditing standards and substantially achieving the corporate objectives. It goes on to say:

By reference to audit offices in other Australian jurisdictions, the Victorian Auditor-General and the Victorian Auditor-General's Office are largely operating effectively, economically and efficiently.

Mr Phillips made some recommendations about some areas where he believed the audit office could be improved. Those matters are touched on in this report, and in many cases I know the Auditor-General has acted on those. He advised the committee that he largely accepted the recommendations that came from Acumen Alliance and that he was implementing some of the recommendations that were made.

No-one in this place doubts the importance of the audit office. I think all of us regard it as a fundamental part of our democratic system. It is important that it continue to meet best practice at all times. I commend this report to Parliament. It was done by this committee in its usual bipartisan and unanimous way. As I said, I believe honourable members could well benefit from studying both this report and the report of Mr Phillips from Acumen Alliance. Finally, I wish to place on record, as ever, the thanks of the full committee for the work of the secretariat, particularly the officers who worked on this report.

Motion agreed to.

PAPERS

Laid on table by Clerk:

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

Mental Health Act 1986 — Report of Community Visitors for 2004-05.

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

Parliamentary Committees Act 2003 — Treasurer's response to recommendations in Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Parliamentary Control and Management of Appropriations.

BUSINESS OF THE HOUSE

Adjournment

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

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

Motion agreed to.

MEMBERS STATEMENTS

Government: financial management

Hon. PHILIP DAVIS (Gippsland) — It gives me pleasure to note that the Commonwealth Grants Commission yesterday announced that in the next financial year Victoria will receive a \$220 million boost from GST revenue. In noting that I pay regard to the outstanding stewardship of the national economy by the commonwealth government. Indeed this is an opportunity to celebrate 10 years of outstanding stewardship of the national government by the Liberal Party–Nationals coalition in Canberra, and indeed to celebrate the prime ministership for the last decade of John Howard. I look forward to many years to come of that great stewardship and partnership between John Howard and Peter Costello, a formidable team doing a great job for all Australians.

What a contrast that is to the profligacy of the Victorian government, which has imposed increases in land tax, stamp duty, fees, fines and charges on all Victorians. It is absolutely unforgivable that it will not consider any relief from taxation for Victorians. I urge all Victorians to make representations — —

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

Queenscliff Maritime Weekend

Ms CARBINES (Geelong) — Last weekend I was delighted to attend the maritime weekend at Queenscliff. These festivities commenced on Friday evening at the Queenscliff Maritime Museum where

hundreds of people heard *Fishy Tales* — stories from local living treasures, such as Lewis Ferrier, reminiscing about growing up at Fishermans Flat in Queenscliff. Saturday's events included a barbecue lunch, again at the museum, before the memorable and moving blessing of the fleet prior to the commencement of the Queenscliff cuta boat regatta. This year marks 122 years since cuta boat racing was first recorded in Queenscliff. I really enjoyed watching the regatta as the small craft sailed out of the harbour and into the waters of Port Phillip Bay.

Also during the afternoon a treasure hunt was held at the beachfront and attracted many local and visiting children in the search for Benito's lost treasure. That night a wonderful dinner was held at Harry's Restaurant to present the trophies to the winning cuta boat teams, including the presentation of the historic white jumpers — a 100-year-old Queenscliff tradition. I was very pleased to officially launch *First Home — The Cuta Boat and Victoria's Cuta Coast* at the dinner. I congratulate the authors, Michael Innes and Steve Burnham, for their inspirational book about the history of the cuta boats and the fishermen who sailed them. Finally, Andrew Scorgie deserves high praise for his excellent organisation of the maritime weekend. He brought hundreds of people together at Queenscliff for a magnificent celebration of our maritime heritage.

Questions on notice: answers

Hon. RICHARD DALLA-RIVA (East Yarra) — This government is anything but open, honest and transparent. One only need to look at the false promises it made prior to the 1999 and 2002 elections. The government said its ministers would be coming into this chamber and answering every question on notice within the 30-day limit. The latest publication of unanswered questions has just been tabled. I have been through it and looked at the number of questions which have not been answered. For the record, the standing orders have a 30-day rule. Have government members heard of the 30-day rule? We have questions which are outstanding from 2003: we have 19 questions which have not been answered nearly three years down the track. We have 62 questions from 2004 which have not been answered. Finally we have 975 questions from 2005 which have not been answered despite the 30-day rule. Essentially this government has failed to answer over 1056 questions. If you are lucky enough to get an answer, all you get is some flippant comment that it would be an unreasonable diversion of resources. This is a lazy, incompetent government which has failed and which hides and covers up its incompetence and ineptitude at every opportunity.

Bushfires: government response

Hon. J. H. EREN (Geelong) — Bushfires ravage the Australian landscape every year and have left an indelible mark on the Australian landscape and character. When the going gets tough, the tough get going, and you do not get much tougher than the brave Country Fire Authority (CFA) firemen and women who have battled bushfires around the state in the past few months, putting their lives on the line to protect their fellow citizens from the extremes of the Victorian summer. In the Brisbane Ranges in particular we saw acts of heroism and selflessness that could not be equalled when properties in the Anakie area were threatened, and some razed, by bushfires.

The Bracks government has been quick to act to alleviate some of the pain and suffering caused by these terrible bushfires. I was pleased to join the state government's ministerial task force when it visited the fire-scarred landscape around Anakie and the surrounding areas a few weeks ago. The Minister for Agriculture in another place, Bob Cameron, the Minister for Local Government, Ms Broad, the Minister for Police and Emergency Services in another place, Tim Holding, and I met with CFA members, council officers and other locals to fully understand the needs of those who were most affected and how the state government can help. While short-term help is needed, it is the long term that we must be looking at as the scars and financial ramifications of these natural disasters will be felt for many years to come.

Geelong Province is a diverse electorate, with much of the urban population never knowing the effects of a rampaging bushfire. I have never been in a bushfire situation, but it was quite an experience to look out over the burnt landscape and imagine how CFA members put themselves in such danger.

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

Fishing: enforcement officers

Hon. E. G. STONEY (Central Highlands) — I would like to quote from the Australian Trout Foundation fishing report of 9 February. It states that there are reports that:

... there has been some very heavy activity down on the Steavenson River. From what I have been told, it has been bumper-to-bumper bait drifters cleaning out so many fish that to say it is criminal is the correct statement ... these guys are well known to fisheries and they take all that they can catch with absolutely no regard to bag limits or the law. Of small fish they simply say, 'Good for soup'.

Let me tell you, when these guys are finished with the Steavenson you will be able to forget about it for the next year or so. We need to revise our bag limits on waters such as this. One fish is enough; not large plastic bagfuls, as these guys carry. Most of all we need adequate policing of our waters. I have been told that we have only three officers to police the north-east. Inland random policing is almost non-existent.

The newsletter goes on to explain that because of WorkCover health and safety legislation fishing officers have to work in pairs. It goes on to say that they are hamstrung because of red tape and lack of numbers, and it says it is a sad reflection on our fisheries management. It states:

Please, Minister, look into this problem and give us at least another three officers so that the crap that is going on down on the Steavenson can be stopped once and for all.

Prime Minister: performance

Hon. J. G. HILTON (Western Port) — Yesterday John Howard celebrated 10 years as Prime Minister. I congratulate him! We can celebrate a net debt of \$430 billion. We can celebrate a current account deficit of \$58 billion. This is at a time when the terms of trade have never been more favourable.

We can celebrate Australia being in hock to the rest of the world. We can celebrate growth in the Australian economy. Can John Howard and Treasurer Peter Costello take the credit? The growth is the result of globalisation. Who opened Australia's economy to the world? Bob Hawke and Paul Keating.

We can celebrate a federal government which is One Nation in drag. We can celebrate a political party which fights and wins elections on greed and xenophobia. We can celebrate a society where every child can aspire to be a doctor if they have \$200 000. Enjoy your celebration, Mr Howard, but Australia will not be celebrating with you.

Australian Labor Party: Geelong candidates

Hon. J. A. VOGELS (Western) — I have a letter from the ALP, Geelong West branch, to ALP members, which states:

As president of the Geelong West branch of the Australian Labor Party, I am writing to you to inform you that due to the factional disorder and deals within the party it has been determined that your democratic right to vote at the forthcoming ALP preselection for the upper house has been taken away

The candidates are to be selected in deals done between the faceless people of the factions on your behalf.

I totally reject this high-handed undemocratic procedure which denies you the opportunity to vote for the candidate of your choice at the preselection ballot.

I would encourage you to protest in writing to the state office and federal office of the party to overturn this decision and allow you to participate in the ballot as is your right.

It is signed by Phil Flaherty, and gives the addresses of Steve Newnham and Tim Gartrell.

I also have a letter from Christine Couzens, who is the electorate officer for Ian Trezise, the member for Geelong in the other place. She wrote:

Over the past few months I have been visiting branch members throughout the western region discussing the preselection process and issues affecting their local community.

...

Members would be aware by now that it is unlikely that they will be able to vote in a local plebiscite for the upper house seats.

At least two candidates in Melbourne, Gale Tierney and Julna Pulford, will take upper house seats in this region.

These two candidates are union hacks from the left and right. The Liberal Party's candidates live and work in the area; they come from Warrnambool, Hamilton and Geelong. I say to the voters: when you are voting at the upper house elections in November vote for your local candidates, the people who live there and have been democratically elected by the branches, and you will do much better — —

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

Office of the Victorian Workplace Rights Advocate: establishment

Hon. H. E. BUCKINGHAM (Koonung) — Yesterday I attended the launch of the Office of the Victorian Workplace Rights Advocate by the Minister for Industrial Relations in the other place, Rob Hulls. The office of the advocate will investigate unfair employment practices and provide free telephone advice and web site information to people struggling with the federal changes to industrial relations. At the launch the minister referred to and made available research on bargaining power and choice in the workplace carried out by the Australian Research Group in February.

The key findings are worrying, but not surprising. Of all respondents, 76 per cent believed that the federal industrial relations changes will not offer greater choice in the workplace. The majority of Victorian workers are

worried about what WorkChoices will mean. The most common concerns are reduced pay, changes to hours, unfair dismissal, job security and reduced conditions. Of most concern, 52 per cent of those researched did not feel confident about negotiating individual contracts, and this rose to 68 per cent for those for whom English is not a primary language.

I wish Brian Corney, who is establishing the Office of the Victorian Workplace Rights Advocate, well. His job is of enormous importance advocating for and ensuring the rights of Victorian workers in the light of the draconian WorkChoices federal legislation which will hand workers below award wages, no penalty rates, irregular hours, no job security and reduced holidays.

Water: fluoridation

Hon. P. R. HALL (Gippsland) — Yesterday in this place I tabled petitions objecting to the decision by the government to add fluoride to the water supply, particularly the supply in the Gippsland region. Those petitions were signed by 745 local Gippslanders.

Today I have a petition with of the order of 1500 signatories, and this petition is addressed to the Honourable Bronwyn Pike, MP, Minister for Health. It says:

We the undersigned do not want fluoride added to our water supplies.

As the house knows, the form of this petition does not enable me to have it tabled in Parliament. Consequently I bring it to the attention of the Minister for Health in the other place through this process, and I will personally deliver the petition to the minister during the course of the day.

What particularly annoys the people I represent is that they were given no say whatsoever in the decision to add fluoride to their water. The government imposed this upon them without even offering them a say in whether they wanted it or not, and I think that is deplorable. It makes the community consultation credentials of this government a farce.

What I call on the government to do is to put in place a proper education program so that people can hear the arguments for and against the fluoridation of water and then ultimately, by way of a survey or poll through their local regional water authority accounts, be given a vote on whether they want fluoride in their water supply or not.

Youth: government policy

Ms ROMANES (Melbourne) — The Minister for Employment and Youth Affairs in the other place, Jacinta Allan, has set in train a process to review and refresh the government's youth policy, *Respect*.

Over the past two weeks 22 consultations have been conducted, mainly under the auspice of regional youth affairs networks and the Youth Affairs Council of Victoria. As well young people and parents can input through an online questionnaire, and this option has been taken up by individuals and in some areas encouraged in schools by principals and teachers. I have attended three of the consultations — one in Melbourne, one at Leongatha in central Gippsland and one involving the YACVic youth reference group, which also met centrally in Melbourne. I did that on behalf of the minister because it is important to take such opportunities to let the participants of the consultations know that the Bracks government values young people and wants to find out how best to support them.

There were some lively and well-considered discussions which highlighted many important areas and issues for young people. Some of the key ones were the request to value and give more emphasis to alternatives to the Victorian certificate of education, the importance of public transport for young people, the need young people have for bulk-billing doctors across the state and for good mental health services, and the need for consistent and widespread support from local governments for their activities. When refreshed the new youth policy will drive — —

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

Mining: Mount Egerton licences

Ms HADDEN (Ballarat) — Mrs Patricia Roulston of Mount Egerton has written a very moving letter to the Minister for Resources, the Honourable Theo Theophanous. It reads:

As a resident of Mount Egerton I cannot believe that a man in your position can without even seeing our beautiful little town condemn it to death, for, Sir, that is exactly what you have done by granting another mining licence to the current miner, Tech-Sol Resources, to mine our mountain that is situated in the very centre of our town.

After 16 years Tech-Sol Resources has not cleaned up the mess it has already made on the existing mine which is also in the town. You have given it two more licences, which will mean our town will be ... an even bigger mess.

...

I love my town, and so does everyone living here. I am an old lady and should be able to live the rest of my life in a beautiful and clean country town.

We were told that we could object to the mining and exploration licence applications. Over half the town objected, but you ignored our objections. We trusted you to look after our community, but once again you let us down. It just isn't fair. I just wonder, Sir, if you can lie straight in bed or if your conscience allows you to get any sleep at all. Come and see our town for yourself. You owe us that much. This is where we live, this is our town. Leave us live in peace

I attended a public meeting on 21 February at the invitation of the community. Over 300 people filled the Mount Egerton hall on that day and voiced their strongest disapproval of the Bracks Labor government's highhandedness and of the Department of Primary Industries for granting two new licences, a mining licence and an exploration licence — —

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

Danny Sandor

Ms MIKAKOS (Jika Jika) — I rise to pay tribute to the life of Danny Sandor, who died on Tuesday, 21 February, after a courageous fight with cancer. I met Danny through his work on the Attorney-General's advisory committee on gay, lesbian, bisexual, transgender and intersex issues, a committee of which he was a founding member. His contribution to that committee was central to the reform of many discriminatory laws, including the introduction of antidiscrimination legislation to protect transgender and intersex people in Victoria, legal recognition of same-sex relationships and legislation to amend birth certificates for transgender and intersex people in Victoria. Always a strong advocate for children, he worked to make sure that children of same-sex couples did not experience discrimination because of their parents' sexual orientation. It is particularly appropriate that we remember Danny today, because yesterday was the 25th anniversary of the decriminalisation of sex between men in Victoria, and his efforts on the advisory committee were a continuation of that original law reform.

The only son of Hungarian immigrant parents, Danny worked in acting, nursing, youth work and, finally, the law. He was national secretary and president of Defence for Children International. He worked as a senior associate to the former chief justice of the Family Court, the Honourable Alastair Nicholson. Indeed only last month, and despite his deteriorating health, Danny was working with others on issues including the Victorian human rights charter and, in the federal arena,

the terrorism legislation, to make sure that children were protected. All those who worked with Danny will remember his powerful intellect, his generosity and passion. Farewell Danny!

Australian Labor Party: women

Hon. W. A. LOVELL (North Eastern) — As a member of the Liberal Party I am proud to stand here as a woman who has been preselected and elected on her own merit and not as a token female elected as the result of a quota system like so many of Labor's female members. The Liberal Party has had a proud history of supporting the women in its party from its very beginning. When founding our great party in 1944, Sir Robert Menzies, a man of true vision, recognised the important contribution women were capable of making to politics by giving women of the Liberal Party equal representation within our party at all levels. Unlike women in the Liberal Party, the women of the Labor Party are still fighting to achieve equal status within their party.

Honourable members interjecting.

The PRESIDENT — Order! Clerk, stop the clock. I will not have that tone of voice or those interjections in the chamber. Members will stop interjecting or they will be removed.

Hon. W. A. LOVELL — The Labor Party is big on rhetoric on most subjects, and the progress of women is no different. Labor claims to support women's issues and to support women in Parliament, but as we approach International Women's Day on 8 March the Labor Party should hang its head in shame. Its rhetoric has truly been exposed as shallow spin. In a week that should be used to support women and promote women's progress the men of the Labor Party are plotting to unseat both the Minister for Women's Affairs and the Parliamentary Secretary for Women's Affairs. The challenges to the Honourable Mary Delahunty in the other place by Gaetano Greco and to the member for Tarneit in the other place, Ms Mary Gillett, by the Premier's chief of staff, Tim Pallas, expose to the entire community that the Labor Party has no interest in women's affairs or in supporting women as members of the Victorian Parliament.

Adrian Fisher

Mr PULLEN (Higinbotham) — I rise to congratulate Adrian Fisher of East Bentleigh on celebrating 35 years as a cricket umpire in the City of Moorabbin Cricket Association and recently officiating

in his 500th game. He stood with his great mate Frank Robinson in the match at King George VI Reserve.

Adrian commenced umpiring at the age of 18 because, in his words, he could not get a game for Ormond Sixths so he knew he had better try something else. Adrian's first game was in 1971, and I am pleased to say it was a game in which my great club, Brighton Union, was participating in a lower grade. His 500 games include 346 in the top grade, A grade, which became the Longmuir Shield in 1984, and 18 interassociation matches. He was appointed to his first A grade grand final in 1974 and has officiated at 17 Longmuir Shield grand finals, in one of which I had the honour to stand with Adrian when I umpired in the competition.

Adrian said he had been lucky to umpire some great players. He has never said it publicly because he is still umpiring, but Con Gorozidis and Kim Pitt stand out, and they are still going well, too. He also mentioned John Lilley, Ian Longmuir, Mark Rainey, Marty Lyons and Humphrey Hughes — there have been a few of them, Adrian said. Adrian has served as president of the umpires association, umpires adviser and appointments officer and is currently treasurer of the cricket association. Congratulations, Adrian, on a job well done. Keep putting the finger up for years to come!

Civil unions: recognition

Hon. A. P. OLEXANDER (Silvan) — I rise today to remind members that it is now some seven years since the Attorney-General in the other place, Mr Hulls, gave a commitment to Victorians to refer the question of the creation of civil unions to a reconstituted Victorian Law Reform Commission for its consideration and public consultation. A civil union is a legal mechanism whereby it is possible for consenting adults to register their relationships, according them formal acknowledgment and recognition in a similar way to marriage contracts. Successive opinion polling in Australia shows that a clear majority of our community support the concept of civil unions, whether they are entered into by opposite-sex couples or by same-sex couples.

Recognition of relationships is a fundamental human right, with implications for tolerance and respect of an individual's right to choose how they live their lives. It is time that civil unions were recognised in the state of Victoria, just as they have been in the United Kingdom, Canada, many European Union nations and in a limited form in the state of Tasmania. Today I will write to all members of both houses of the Victorian Parliament to seek their assistance in the establishment of the

Victorian parliamentary network for civil unions and to move us towards the enacting of civil unions in this Parliament and in this state. I encourage all members of Parliament with a commitment to fairness and human rights to become active in their support for this important reform area.

STATEMENTS ON REPORTS AND PAPERS

Harness Racing Victoria: report 2004–05

Hon. DAVID KOCH (Western) — It is my intention to comment on the 2004–05 annual report of Harness Racing Victoria (HRV). In doing so I must say that Harness Racing Victoria had another, what could be described as, very good year in 2004–05. Wagering offcourse was up by 6.1 per cent from \$472 million to \$501 million, with total revenue growing by \$7 million to \$55 million. The joint venture with Tabcorp also saw a profit growth of more than 10 per cent above the previous year, and obviously this offers all beneficiary codes a further increase.

Net profit for Harness Racing Victoria was \$1.11 million for the year against budgeted profit of \$250 000. I might add that this was slightly less than the previous year, but still an outstanding result. It is appreciated that 80 per cent of all wagering took place at country meetings, and I am surprised that it was not slightly higher than that, seeing that there is only one metropolitan track participating in harness racing in the state.

It is important to note that country cup events in 2004–05 saw a 28 per cent increase in attendance, a 10 per cent increase in offcourse turnover and a 32 per cent increase in oncourse turnover. That is a great achievement by anyone's standards and is something for which harness racing should be applauded. Capital infrastructure expenditure was in excess of \$3 million, and redevelopments took place at Shepparton, Kilmore, Yarra Valley and Charlton.

Last, but not least, we should be picking up on what I thought was one of the biggest flawed programs ever put together in the racing industry, and that was Harness Racing Victoria's Vision Value Victoria, or V3 strategy, that saw seven key points being incorporated. This program has not been well received in the country. There is much concern amongst the seven clubs that have had meetings removed from their home tracks and transferred to host clubs.

We recognise that this is totally bottom-line driven. There is certainly no consideration by Harness Racing

Victoria for small, rural communities or any community obligation, and that is in direct conflict with the government's 2002 platform of supporting small rural communities. Again there was absolutely no consultation. The minister was under the impression that the V3 strategy was only a discussion paper. The directors of HRV delivered this strategy under the cover of darkness with absolutely no consultation with any of the clubs concerned. There was further disappointment when the directors saw fit to turn off their phones and jump over to the Inter-Dominion series in New Zealand.

Interestingly at its February 2005 meeting the board approved a consultation procedure that would see HRV enter into a charter of consultation with trainers and drivers, owners, bookmakers, breeders and clubs. I can assure members that none of that took place. The government has not held this racing code to account, and that is a major disappointment.

The legislation is flawed. There is no watchdog and no policeman. As I reported during the adjournment debate earlier in the week, the Boort Harness Racing Club recorded a fall of 50 per cent in gate takings while its business community has also completely missed out in favour of the Charlton community. St Arnaud's racing off-course turnover fell by 45 per cent and stake money fell by 50 per cent, but costs, including for the promotion of the event, increased by 100 per cent. Similar things happened at Wedderburn, and regrettably we saw club membership go from 1380 to 230.

Peter MacCallum Cancer Institute: report 2004–05

Hon. H. E. BUCKINGHAM (Koonung) — I rise today to make a contribution on the annual report of the Peter MacCallum Cancer Institute, commonly known as Peter Mac, which was tabled in Parliament on 16 November 2005. Many thousands of Victorians owe their lives to the dedicated work of the staff at Peter Mac, and I am pleased to speak to this report today because I am one of them. Peter Mac has many unique features of which the Victorian government is very proud. It is the only hospital that is solely dedicated to cancer. It is one of a few elite hospitals in the world that has its own integrated research programs and laboratories. It provides multidisciplinary holistic care. Its oncologists specialise in both common and rare types of cancer. In 2004–05 Peter Mac saw nearly 194 000 outpatients, nearly 20 000 inpatients and 7176 new patients with cancer. It conducted over 105 000 pathology tests, 290 000 radiotherapy treatments, 31 000 diagnostic imaging tests,

17 500 chemotherapy preparations and 5500 operating theatre procedures in one year. It is a very busy place.

Peter Mac is an award-winning research hospital that has the largest dedicated cancer research group in Australia. It contributes more research to patient care than any other institution in Australia. The research division of Peter Mac won almost \$40 million in peer-reviewed research grants in 2004–05, much of which came from overseas funding bodies. Peter Mac is considered one of the most productive centres in the world aimed solely at cancer. I hope and trust that cures for some, if not all, cancers will one day be found by researchers working in the Peter Mac laboratories.

There are a few areas of the work that Peter Mac undertakes that I wish to focus on today. The first relates to the Edith Collie Centre for Blood Cell Therapies. This centre supports statewide research and clinical programs through its dedicated, state-of-the-art facilities. The centre is one of only a small number of such laboratories in the world and the only facility of its kind in Australia accredited by the Therapeutic Goods Administration.

This centre has the capacity to perform growth and manipulation of specific human cells outside the body for use in cell expansion, gene therapy and immune therapy for clinical care and research. This is cutting edge and is where I believe cures for cancer will come from in the future. The manipulation of bone marrow stem cells after collection has enormous potential to improve the safety and outcomes for patients after transplantation. There is a reduction in the period of low blood counts by growing these cells outside the body as well as a reduction in the need for repetitive and invasive blood cell collections — and I have lived through those.

I would also like to comment on the excellent work done by the many volunteers at Peter Mac. There are approximately 135 patient volunteers who contribute to the supportive care of patients and their carers in a diverse range of ways. The volunteer guides provide a welcoming presence as they assist people to find their way around the centre — and it is a rabbit warren. Other services run by volunteers include the creation of headscarves and headwear — and I was a user of that service — the Nancy Kinsella Patient Library, recreational evenings for patients staying in the apartments and outreach volunteers to support patients and their carers through regular home visits.

Finally I would like to acknowledge the amazing staff of Peter Mac, who make the centre truly unique. There are 37 staff at Peter Mac who have been there more

than 20 years, including 4 who have more than 35 years service. Their dedication to the patients and families who come to Peter Mac goes above and beyond the call of duty. As a recent inpatient at Peter Mac I have had first-hand experience of some of the excellent aspects of the centre, its wonderful staff and state-of-the-art treatment regimes. However, I am also aware of some areas which need attention, in particular the inadequacy of the current East Melbourne site in order to allow the centre to continue to grow in size and international stature. I am very supportive of the proposal to relocate the Peter MacCallum centre to the Parkville precinct.

I believe the people of Victoria will benefit greatly from the development of a comprehensive cancer centre which would see the co-location of a number of cancer research and health care providers as the hub of a network providing local, regional, national and international cancer health and research services. Peter Mac certainly has the expertise to lead such a development. I commend to the house the operation and services of the Peter MacCallum Cancer Institute as outlined in the annual report.

Library Board of Victoria: report 2004–05

Hon. ANDREA COOTE (Monash) — I have great pleasure in speaking on the annual report of the Library Board of Victoria for 2004–05. As I have said in this place before, I want to put on the record my praise for the State Library of Victoria and the excellent job it does in providing such a huge and diverse range of options for anybody who would like to visit. There are parts of the collection that I am sure people in this chamber know nothing about. For example, there is an excellent exhibition of Australian children's books going way back — it is absolutely fabulous. As well, some very interesting artefacts have been given to the library. There is a magic exhibition and a whole range of things that perhaps you would not expect to find there.

The refurbishment of the library was paid for by the Kennett government. The former Premier, Jeff Kennett, was a great advocate for the library and put an enormous amount of money into it, and anything Jeff Kennett had to do with the state library was always finished on time and on budget.

Hon. Richard Dalla-Riva — What about now?

Hon. ANDREA COOTE — Now it is not on time and not on budget. This government has not got the state library as a priority at all, and not just in regard to its physical appearance: it is still a long way from completion. The government is not providing sufficient

funding for collections and the work that needs to be done on them. It is a scandal. This library is world class, it is in the bosom of our city and it is a wonderful institution. It forms the heart of the intellectual enrichment of this state.

Today I express some concern about the Ballarat off-site storage project. No doubt everybody can understand there is an enormous amount of material in the library. As I have said in this chamber before, we do not have to look much further than the enormous numbers of newspapers, but there are many other objects which the library just cannot physically house on its site, and it needed a purpose-built storage facility. I am very pleased to know that one has actually been established in Ballarat, but yet again I have some concerns about this government. This is another example of its spin. The library's annual report mentions the development of:

... an off-site storage facility in partnership with the University of Ballarat. The building works on the Mount Helen campus of the university commenced in November 2004 and are due for completion in early November 2005.

In order to avoid criticism — which this government comes under so frequently — true to form, in a media release the Treasurer, Mr Brumby, said on 1 January 2006 that there had been an official handover of the facility. The government did not quite make it by November. What has not been explained properly is that the material that is to be stored will not be available until at least Easter. That is a scandal and just should not have happened.

Supposedly the material was going to be in the building at the end of last year, but here we have the public of Victoria still not able to access the information. Presumably it has been bundled up in readiness for the move, and I have some issues regarding the newspapers. Has all that is being moved been entirely packed up? When can people use it? How long will it take to unpack the collection? When will it be ready for access by the public? Will it all be moved by Easter? What sort of process is there going to be? What sort of information will be available in the interim? Will it be available progressively or will the entirety of the collection that is being moved to Ballarat be accessible by Easter?

Those are the sorts of details we need to know, and we need to be reassured by this government and the minister that this move has been organised with the public in mind. My suspicion is that the public has been left out of this whole equation and that there is a plot to make certain that the public cannot access this research material. The move has been handled appallingly. Most

probably access to these collections will be closed for a period of up to five months, which is totally unacceptable. Once again I make the point that if the government had given the library money to digitally record all this information we would not have had this problem in the first place. I condemn the government.

Phillip Island Nature Park Board of Management: report 2004–05

Hon. J. G. HILTON (Western Port) — I am pleased today to make a statement on the 2004–05 annual report of the Phillip Island Nature Park. The mission of the Phillip Island Nature Park is 'to conserve and enhance the nature park's environment for current and future generations while achieving a balanced environmental, economic and social outcome'. I do not think any of us in this chamber could argue with that. The three main visitor venues of the park are the internationally renowned penguin parade, the koala conservation centre and Churchill Island.

In the last financial year the nature park welcomed over 625 000 paying visitors. Phillip Island's nature park is the island's largest employer with approximately 150 employees. A highlight of the last financial year was the establishment of a new Penguin Foundation, the announcement of which was made by the Minister for Environment in the other place, Mr Thwaites. The purpose of the foundation is to specifically raise funds for penguin research and conservation. Indeed one of the main functions of the park is conservation research.

The nature park employs a team of researchers, and the board is assisted by a scientific and research advisory committee, which includes external scientists to advise on scientific issues and research directions for the park. The committee met twice during the year to review grant projects and to consider the research program and the budget for the coming year. During this period 39 papers, 5 reports and theses and 14 conference presentations were prepared or published on penguins, waders, waterbirds, foxes and seals. New research directions include the potential interactions between penguins and commercial fisheries in eastern Victoria, group behaviour of penguins at the penguin parade, the tracking of juvenile fur seals, the foraging behaviour of koalas and the evolutionary ecology of penguins.

The nature park is obviously committed to increasing the numbers visiting the tourist attractions, and to this end hosts a number of events, which include the Working Horse Festival on Churchill Island, a monthly farmers market, the Garden Lovers Festival, Carols by Candlelight and cinema under the stars; and it also makes the park's facilities available for weddings and

other functions. Last year 14 weddings were held at Churchill Island. I would like to specifically highlight the Working Horse Festival on Churchill Island. This is a two-day festival, which includes working horse and pioneering skill demonstrations, market stalls and musical entertainment and exhibitors. It is a major fundraising activity for Friends of Churchill Island Society which contributes significantly to the organisational running of the event. The 2005 festival attracted over 5000 ticketed visitors, 200 exhibitors, 70 stallholders, 50 performers and over 100 festival volunteers.

I would also like to compliment the large number of volunteers who make such a wonderful contribution to the nature park's programs. It is probably true to say that the park could not continue its present level of operations without the contribution of volunteers. Volunteers are involved in many activities of which just a few are acting as Churchill Island guides who work in the historic area of Churchill Island seven days a week wearing period costume; the penguin study group which monitors penguins on a monthly basis, and this group is now in its 37th year; oil spill rescue volunteers who assist in rehabilitation of marine wildlife; and the conservation volunteers who work on a special project which involves building and siting of penguin nesting boxes on the Summerland Peninsula.

The bottom line of any business is that it should make a profit, and it is pleasing that last year the nature park's total revenue increased by over 15 per cent. The profit was approximately \$400 000, which is an improvement of nearly 90 per cent on the previous year's profit. I would like to congratulate everyone involved in the management of the park — the board, the chief executive officer, Mr Mark Manteit, and his team, and, as I mentioned previously, the large number of volunteers who so willingly give up their time. This year I have been asked to represent the Minister for Tourism and open the Churchill Island Working Horse Festival. I am very much looking forward to that opportunity.

Victorian Government Purchasing Board: report 2004–05

Hon. R. H. BOWDEN (South Eastern) — I would like to make some comments on the 2004–05 annual report of the Victorian Government Purchasing Board. This report is of high quality, and I would like to compliment the board on being able to present to the Parliament for consideration an easy to read and well constructed report on what is a very complicated subject. The vision of the Victorian Government Purchasing Board is:

To provide leadership in government procurement of goods and services.

And the mission is:

To provide a policy framework for the purchase of goods and services by Victorian government departments that achieves value-for-money purchasing while applying high standards of conduct for the benefit of all Victorians.

That is an important mission because it is able to put a great deal of positive leverage on the purchasing policies and programs for Victorian government departments. I am mindful of the commitments that the state has arising from the Council of Australian Governments decision of 11 April 1995 under the competition policy reform program. This particular board is mindful of those responsibilities and is carrying out those responsibilities well.

I suggest that in its more introspective moments members of the board, when considering opportunities that will arise in the future, consider carefully the benefits and ability of the wide variety of manufacturing enterprises and the provision of services for the Victorian community. I know the board does that. It is not an implication that it does not, but it would be good to be mindful of maximising, where it is sensible to do so, the contribution of Victorian manufacturers and suppliers of services. Board members are substantial contributors to the activities of the board, of which there are eight members, and they have diverse backgrounds. They have professional backgrounds in several areas that are relevant to the operations of the board, and I am pleased to suggest to members of this chamber that we have an effective and well balanced board.

The activities of the board are important because the Victorian Government Purchasing Board's policies apply to the 10 government departments that exist in our structure, including Victoria Police and many other important public enterprises and activities ranging from: the Office of Legal Services Commissioner, Office of Police Integrity, Office of Public Prosecutions, Office of the Chief Commissioner of Police, Office of the Ombudsman, Office of the Essential Services Commission, and many others.

The construction of the ethical policy base is extremely important in supporting, guiding and being able to bring advice to those important functions. In addition, under the Australia-United States Free Trade Agreement, the Victorian Government Purchasing Board policy reviews can be of significant help to Victorian companies seeking to access hundreds of billions of dollars of sales opportunity overseas. The actual supervisory role and policy contribution of the

Victorian Government Purchasing Board is important because at page 27 of the 2004–05 report there was a total of \$1971.9 million-worth of goods and services supervised through the policies and programs of this purchasing board, which is a substantial amount of money. Honourable members may care to look at page 31 where there is a breakdown of the different government departments — for example, the Department of Infrastructure in 2004–05 had a contribution usage of \$921.7 million out of that \$1971.9 million. There is a note at page 30 that the total value of requisitions for the Department of Education and Training declined from \$425.1 million in 2001–02 to \$46.6 million, which is a big decline.

Community visitors: report 2004–05

Hon. C. D. HIRSH (Silvan) — I rise to speak today about the community visitors annual report 2004–05 under the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991. It is a very interesting report and well worth reading. I highlight some of the issues pointed out in the report. In particular I highlight the role of community visitors, who visit eligible residential services in a voluntary capacity. They are appointed by the Governor in Council under the acts and make unannounced visits to each service every three months, if possible, and monthly to larger institutions. They report independently on the quality and standard of care and support provided to residents.

Their work is invaluable because they are able to point out to government and non-government agencies some of the failings of disability services units and the unmet needs of residents. These residents probably need advocacy and support more than any other people. It is very important that people with a disability are able to live a regular life with dignity. Community visitors provide an important component to that dignity.

One of the recommendations I refer to relates to ageing. The report emphasises the importance of people with disabilities being able to remain in their own homes as they age rather than having to be moved on to nursing homes. Whether one has a disability or not, the familiarity of one's own home is crucial. In the eastern region the issue of ageing is being addressed. Clients who have developed or are developing early dementia have been identified and their needs will be met.

Another recommendation made by the community visitors regards shared bedrooms. They say this is not acceptable when it is not by choice. I think that is a very important recommendation in terms of privacy and the maintenance of dignity. Any adult is entitled to their

own bedroom. Shared bedrooms are gradually being phased out, which is commendable, but I point out that recommendation as an important one.

Among community residential services in the eastern region the number of houses managed by the Department of Human Services has increased from 92 to 99. The report finds that commendable. I understand there are 20 young people who require accommodation, and I believe 10 of them will be accommodated in two new houses that are being built or acquired at the moment. The need for ageing people with a disability to be accommodated in their current environment is again raised in the context of the eastern region.

Whilst it is not part of the community visitors report, I want to suggest that the model of community visitors be applied to residential care in a range of areas — not just disability services but also mental health and aged care environments. If a model could be created whereby people living in their own homes who ring a number to indicate that they are in need could participate in some form of community visitors program — —

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

Community visitors: report 2004–05

Hon. D. K. DRUM (North Western) — I also wish to make a statement on the community visitors annual report 2004–05 under the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991. As the Honourable Carolyn Hirsh said, community visitors are a group of volunteers who get out into the community and visit a range of institutions, in this case the disability services group — predominantly community residential units and also some institutions that house people with intellectual disabilities.

In the last year 289 disability services community visitors made over 3000 visits to over 1000 different places of residence over the reporting year. As the Honourable Carolyn Hirsh said, these visits are unannounced — the visitors turn up without any warning. That is all part of the monitoring process. They are out there to try to look after the people in shared residential supported accommodation.

Some of the recommendations the report makes are very worthwhile. It expresses concern about congregate care, which I will talk about in a little while. It also discusses the delays in the redevelopment of Kew Residential Services. Another issue raised is that there

are still many people waiting for a suitable place to live — now over 6000 in Victoria, 1000 of whom are on the urgent waiting list, with that number rising all the time. The report also talks about the unacceptability of shared bedrooms when it is not by the choice of residents, most frequently reported in respite facilities. I commend the report for some of the concerns it raises.

The report talks about funding shortfalls and the responsibility the government has to fund these institutions and houses. It also talks about the fact that the new draft legislation on disability will remove the responsibility to require the government, via its department, to fund disability services. That is certainly a concern. Some of the recommendations include the fact that community visitors are asking the Department of Human Services to quantify those most urgently in need of shared support accommodation, and they also recognise the growing number of ageing parents who may face a crisis at any time because they have been caring for their adult sons and daughters, who have a disability, at home.

Another issue is that many houses, particularly in rural and regional Victoria, have limited access through lack of public transport and taxi services. Even some suburban houses are located a considerable distance from public transport, and that is a real concern. They also talk about shared bedrooms being totally unacceptable, which was mentioned earlier.

One of the areas in which I strongly disagree with the community visitors is their desire to redevelop. Effectively they would like to close down our institutions, and they list the ones where this should apply, including the Sandhurst Centre. I was at the centre three weeks ago when the community visitors turned up and had a look around. Places such as the Sandhurst Centre and even Plenty Residential Services and Kew Residential Services in Melbourne allow people with an intellectual disability to live in a small group, in small houses or units; sometimes they have 5 to 10 people in each unit. In addition they have the grounds of the greater area in which to roam, to get around in their wheelchairs or to sit under the trees. They have the opportunity of enjoying the surrounding area, quite often without any need for workers or anybody else to be looking after them. They can simply walk out unattended and enjoy the surrounds.

It needs to be realised that that right is taken away when we put people in community residential units. We need big, high brick walls, 8 feet high, so that if people happen to get out of the house they cannot run onto the road. That security is given to people who live in institutions, and while the community visitors do an

enormously honourable job, there is nowhere in the report where they talk about the negatives associated with congregate care or institutional care. So while people are calling for the closure of these institutions, they need to include some of the reasons — —

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

Economic Development Committee: thoroughbred breeding industry

Mr PULLEN (Higinbotham) — I would like to comment on the Economic Development Committee's inquiry into the viability of the Victorian thoroughbred and standardbred breeding industries. I congratulate our committee chair, Tony Robinson, the member for Mitcham in the other place. We set up a subcommittee, which included myself and Hugh Delahunty; the member for Lowan in the other place, and the Honourable Ron Bowden from this chamber. I must place on record the efforts of our staff — Dr Russell Solomon, the executive officer, and two research officers, Kirsten Newitt, who was in the job until 10 November, and then Jonathon Gurry, who took over after that. I also thank our editor, Frances Essaber, and the office manager, Andrea Agosta. The standardbred part of the report will follow because we wanted to ensure that we got the thoroughbred part of it into Parliament as quickly as possible. That is because the standardbred industry in Victoria is going very well as far as breeding is concerned.

Victoria has had a long and proud history of thoroughbred horseracing, but without a well-established breeding industry our racing would be in trouble. Victoria's thoroughbred breeding industry does face considerable competition from interstate stud farms. It is not the case that opportunities for growth do not exist. The committee's investigation suggests that there is considerable scope for improving the performance of the industry. The question that most confronted the committee is how these opportunities can be grasped. We have come to the conclusion that government assistance is both required and warranted if the industry's potential is to be realised.

It must be remembered that Victoria's racing industry is considered to be in the top four in the world. The committee learnt a great deal about the breeding industry throughout Victoria, in the Hunter Valley in New South Wales, Queensland and overseas, in New Zealand, Ireland and France. Those countries knew a great deal about our industry and are very impressed by it. The Victorian thoroughbred racing industry, which draws off the breeding industry, has been measured at

\$2.2 billion per annum and employs over 66 000 people in 22 000 equivalent full-time positions.

Thirty recommendations come out of the report, but I will pick up on the most important one from my point of view — that is, recommendation 3.1, which states:

The Victorian government establish VicStud Ltd as a limited liability company with a board of directors representative of key stakeholders in the industry.

The report went on to state at chapter 3.4.1:

The committee considers that the functions to be performed by such a body will evolve over time and be fashioned by the needs of the thoroughbred breeding industry. The committee envisages a number of important functions that this body should fulfil from the outset. The core functions of VicStud Ltd would be:

marketing of the Victorian thoroughbred breeding industry;

development of a variety of sales options;

provision of an advisory service for Victorian breeders;

promotion of best practice;

to assist the development of scholarships and exchange programs for people employed in the Victorian thoroughbred breeding industry, and

to ensure appropriate representation of Victorian breeders in industry forums.

Recommendation 3.8 is very important. In relation to VicStud Ltd it says:

The Victorian government provide seed funding of approximately \$600 000 to enable VicStud Ltd to perform its recommended roles.

And they are the roles that I referred to earlier. Recommendation 3.9 states:

The Victorian government introduce either a compulsory levy or a stamp duty of up to 0.5 per cent on auction house thoroughbred horse sales in Victoria to provide a recurrent revenue stream for VicStud Ltd.

These are very important recommendations because we believe to stay in the top four racing nations in the world it is important that our breeding industry can compete. It has become a bit stagnant, and it is important that we do whatever we can to ensure that we can compete, particularly in Australia, against what is happening in the Hunter Valley.

Finally — and I have mentioned this in the 2 minutes on which I spoke on this report last time — there are some wonderful photos in the report, and I compliment our colleague Mr Bowden for those photos. Even if

members do not want to read the report, they should have a look at the photos.

Public Accounts and Estimates Committee: budget estimates 2005–06

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I desire to make a statement on the Public Accounts and Estimates Committee report on the budget estimates for 2005–06. I say at the outset that this report, which ran to some 750 pages, was the work of a nine-member parliamentary committee, on which the government members have the majority. The report was adopted unanimously by all members of that committee.

It is therefore of significance that in the report the committee found significant shortcomings in the administration of the Commonwealth Games by the Minister for Commonwealth Games, and the chapter on the Department for Victorian Communities outlines a number of the committee's concerns. They relate to the level and control of budgetary appropriations for the Commonwealth Games and also to the amount of disclosure, or lack thereof, provided to this Parliament and to the people of Victoria.

We have seen the Minister for Commonwealth Games come into this house time and again and talk about how the government is open, transparent and accountable when it comes to the budget for the Commonwealth Games. We have heard the minister say how the Commonwealth Games budget is capped at \$697 million in terms of the taxpayers contribution; yet this report, which was unanimously adopted by all members of the committee — a Labor-controlled committee — has found a number of significant shortcomings in the minister's handling of the finances of the Commonwealth Games, and in his reporting to Parliament.

One of the issues that the committee touched upon was the handling and management of a contingency fund which was put in place for the games. The committee's estimates hearings, in both 2004 and 2005, sought an explanation from the minister as to the level of contingency and how those funds had been committed. On both occasions and in subsequent written communications from the minister the minister failed to adequately answer the committee's request for information about the use of those contingency funds.

The budget papers for last year record that more than \$3 million had been obtained through Treasurer's advances to fund remedial works for the Commonwealth Games village. When questioned at the estimates hearings about why those funds were

required, the minister was unable to provide an explanation, and when a written explanation was provided from his department it was incomplete and did not address the questions that had been raised by the committee. That is something the committee notes in its commentary.

The committee also noted concerns about the then pending legal action over the Melbourne Cricket Ground redevelopment which was at that stage likely to cost an extra \$40 million and is now likely cost an extra \$50 million. The committee was concerned that that action would see that project exceed the budget and exceed the cap above which the state of Victoria is responsible for any cost overruns. The committee expressed concern at conflicting information provided by the minister to the committee in relation to the cap on Commonwealth Games expenditure. We were told a number of times that expenditure was capped at \$697 million yet were then told that security costs, which would easily exceed \$100 million, had been excluded from that total cap. Again I make the point that this is a Labor-controlled committee expressing concern at the information provided by one of its own ministers.

The committee also noted with concern commentary provided by the minister with respect to Commonwealth Games sponsorship. The committee requested and did not receive from the minister information on the total level of sponsorship expected for the games. The committee expressed its disappointment at the failure of the minister to answer that question which was put by the committee.

The committee also expressed concern about the confusion surrounding the minister's comments with respect to games reporting. At the estimates hearing last June the minister informed the committee that this year the Commonwealth Games would not report until September — the games balance date would be the end of September — in consequence of which financial statements would not be provided to Parliament until after the state election. When the minister was taken up on this he provided a confusing and contradictory set of documents purporting to back up what he had said. The committee notes that many of these documents were generated — —

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! The member's time has expired.

Victorian Government Purchasing Board: report 2004–05

Mr SOMYUREK (Eumemmerring) — I rise to make a few brief comments on the 2004–05 annual report of the Victorian Government Purchasing Board. There are two major sections in this report. The first is entitled 'About this annual report'. The second section is entitled 'Procurement activity in 2004–05'. There is also a glossary and an index at the back.

I think it is prudent at this stage to state the vision of the board. The vision is to 'provide leadership in government procurement of goods and services'. The mission is:

To provide a policy framework for the purchase of goods and services by Victorian government departments that achieves value for money purchasing while applying high standards of conduct for the benefit of all Victorians.

I turn to the chairman's report. This section delineates some of the achievements of the board over 2004–05. It also states the objectives that were outlined in the 2003–04 report. The chairman's report records that all major milestones and projects were reached and that projects were delivered as planned in the board's previous annual report.

The objectives include the development of a major policy on whole-of-government contracts, a review of the probity policy and guidelines, a review of the ethical purchasing policy, implementation of regional business projects recommendations and the policy changes required when the Australia-United States free trade agreement government procurement chapter came into force on 1 January 2005. Time does not allow me to go into that but it was a significant step. Victorian buyers now have access to over 200 million extra suppliers so that in itself is very significant.

In 2005–06 the Victorian Government Purchasing Board will focus on a number of priorities. Five or six of these priorities are listed in the report and I will mention two of them: the development of the state purchase contracts business case guidelines and the review of the procurement practitioners guidelines, and the development and implementation of a Procurement and Contracting Centre for Education and Research course on state purchase contracts. These are just two of the future developments the board will pursue in 2005–06.

If I could just turn to the financial statements and give the house a breakdown of the value of the requisition approvals by invitation process, in 2004–05 the value of requisition approvals was \$1.971 billion. That was up

from \$1.364 billion in 2003–04 but down from \$2.024 billion in 2002–03. I am referring to table 3 on page 25 of the report. It is interesting that the number of requisition approvals by invitation process was less in 2004–05 than in 2003–04. In 2004–05 there were 576 — —

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! The member's time has expired.

Sustainability and Environment: report 2004–05

Hon. D. McL. DAVIS (East Yarra) — I wish to make a contribution today on the Department of Sustainability and Environment annual report 2004–05 and in particular in relation to pollution and waste and the responsibility of the Department of Sustainability and Environment, with other government departments, to ensure that waste is managed properly in Victoria.

In the first instance I turn my attention to the issues around the proposed Hattah-Nowingi toxic waste dump and my concerns with the government's plans to establish the dump on a site between two national parks in a sensitive area where the impact of any spillage of waste into the water table could be dangerous to surrounding districts. The surrounding districts include many of the primary agriculture, horticulture and viticulture areas of Victoria, New South Wales and South Australia. I think it is foolhardy for the government to push forward with this in the way it is.

I know the government has appointed a panel to examine its environment effects statement processes. Like many others I will seek to make a contribution to that panel to place on record my views and my concerns. It is to be hoped that the panel will listen to my views and concerns and those of people in the Mildura area. However, what is important here is that people understand very early on that this panel is not the independent panel it is portrayed as. It is a panel which has been put there by the Bracks government to do a specific job, and that is to find its way through the evidence to recommend that the dump be put there. I am concerned that the community will be overly dragged into the process to be run by Professor Bill Russell. Professor Russell is a man with strong, longstanding links to the Labor Party. In the period after 1999 he undertook an audit for the Premier. He is a man who can be seen as having been given riding instructions by the government on this matter.

In particular I want to indicate that I think it is unsatisfactory for the government to not move swiftly with the hearings. Those hearings should begin prior to

the South Australian election. I am very aware of the recent tragedy in Mildura and I believe it was entirely appropriate for the first directions hearing date to be moved, as it was. However, I am now concerned that the state government and the panel are moving at a slower pace than I believe is necessary. I think a process will begin to operate here whereby the state government will not make a definitive decision on this dump prior to the state election. That would be a travesty — —

Mr Lenders — Come on! You keep asking us to extend the time — —

Hon. D. McL. DAVIS — I am not. I am saying that there has been a recent tragedy in Mildura and while I have indicated that I think the first postponement of the directions hearing was entirely appropriate, my concern is that the government has once again cancelled a directions hearing. It was very clear from the Minister for Finance's answer in the chamber this week that the hearings will not be held prior to the South Australian election. I can understand why the Labor Party, both in Victoria and South Australia, would not want those hearings to be held prior to the state election. I understand why the government would be very sensitive — —

Mr Lenders — They are dealing with a tragedy — you want to be very careful.

Hon. D. McL. DAVIS — I have made the point about the tragedy.

Mr Lenders — And now you are making a political point on top of it.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! Through the Chair, Mr Davis. Mr Lenders will stop interjecting.

Hon. D. McL. DAVIS — We are all very aware of the recent tragedy in Mildura. I know that those people who have visited the town in recent times would have been particularly struck by the impact it has had. Notwithstanding that — —

Mr Lenders — Mr Bishop and Mr Savage have been respectful of it.

Hon. D. McL. DAVIS — Absolutely.

Mr Lenders — Unlike you.

Hon. D. McL. DAVIS — I have been very respectful of the tragedy. I know the views of my party have been formally conveyed to the city council as the

appropriate authority, as is entirely appropriate. However, I make the point — —

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! The member's time has expired.

**PUBLIC ACCOUNTS AND ESTIMATES
COMMITTEE**

Meetings

Mr LENDERS (Minister for Finance) — I move:

That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the 2006–07 budget estimates inquiry during the sittings of the Council.

The purpose of this motion is, as it says, to allow the Public Accounts and Estimates Committee to meet during the sittings of the Legislative Council. This is not the usual way for the PAEC to operate, although there have been times when the Parliament has given authority for its committees to meet while the house is sitting — this house recently resolved to allow the Standing Orders Committee to meet. The proposition is a simple one and the Public Accounts and Estimates Committee has recommended this happen. It is designed to balance the obvious and important need for the Public Accounts and Estimates Committee to scrutinise ministers over the performance of their portfolios in the budget estimates hearings. For the six years of this government every minister has appeared before that committee to be scrutinised. In my case it has traditionally been 3 hours of that committee ranging over my portfolios and asking me and the officials with me questions about that.

The other side of the balance is that the budget will be delivered later this year. The Treasurer has made an announcement as to why the budget will be later. It will be delivered on 30 May; normally it is delivered on the first Tuesday in May.

Hon. Bill Forwood interjected.

Mr LENDERS — I am sure Mr Forwood will fulsomely speculate on why in his contribution to this debate later.

Hon. Bill Forwood interjected.

Mr LENDERS — I will not respond to Mr Forwood; I may at the end of my contribution touch on this. It is a balance between the capacity of the Public Accounts and Estimates Committee to scrutinise ministers and the capacity of MPs when they are in

Parliament to do their parliamentary duty and their duty as a member of PAEC. We in the Legislative Council are blessed with five of the nine members of PAEC. Given that traditionally finance bills have come out of the Assembly, it is a strong reflection on the depth of ability of members of this place that they are on the committee. I am delighted to see in the Legislative Council now all five members of PAEC: Mr Forwood, the deputy chair — I am much more pleased to see him as deputy chair than as chair, as he was under the previous government — Mr Rich-Phillips, Mr Baxter, Ms Romanes and Mr Somyurek.

On a serious note, it obviously presents a bit of a dilemma for PAEC to be sitting concurrently with this chamber while legislation is being discussed, and it will provide some challenges. I acknowledge that, and I expect to hear in the debate, particularly from Mr Baxter, about some of the issues on that. I say with sincerity that we are trying to achieve a balance between members, particularly country members, being able to scrutinise the executive government through PAEC while they are in Melbourne and having the house continue at the same time. Certainly it would be my wish, if this motion is carried, to work with the other parties, particularly The Nationals, and use our best endeavours to ensure that we schedule debates on legislation that Mr Baxter is likely to speak in at different times from when PAEC will be scrutinising the executive government upstairs in the Legislative Council committee room. The Nationals have a genuine concern that we can assist with thorough, sensible and practical solutions. In essence, it is about achieving a balance between having the scrutiny and using the time of members most effectively, and this proposal from the Public Accounts and Estimate Committee will help address that.

Finally, in response to Mr Forwood's earlier comment, the budget will be brought down four weeks later than it has been for the last few years in Victoria. The rationale for that is as follows. Firstly, it gives the executive government a better capacity to see the commonwealth budget when framing its budget. That assists in transparency and a range of other areas. Secondly, this year being the year of the Commonwealth Games, it is probably an appropriate year to trial this. The Treasurer will come back to government and Parliament after this year to see whether this will be an ongoing thing or whether it will be a one-off for the year of the Commonwealth Games. This is a sensible proposal by the Public Accounts and Estimates Committee. It is one that the government supports, and I urge the adoption of this resolution.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The Liberal Party will support the motion moved by the Leader of the Government this morning. In saying that I place on record that we do not believe it is an ideal scenario for the conduct of estimates hearings. It is correct that it was adopted as a resolution of the committee by those members in attendance for the reason that the Leader of the Government has pointed out — that is, the budget this year will be brought down on 30 May rather than the normal timing at the beginning of May.

I note the rationale given by the Leader of the Government being primarily in relation to the Commonwealth Games. I have always been perplexed as to why in the past the state budget has been brought down prior to the commonwealth budget. It is sensible for the state budget to come down after the commonwealth budget, but whether it should be delayed until the end of May is another matter.

The Public Accounts and Estimates Committee has always seen that its role in undertaking estimates hearings is to prepare information for members for their consideration of the budget prior to the passage of the two budget bills. As such it has always felt that it is necessary to undertake this process as quickly as possible after the introduction of the budget and ideally prior to the passage of the budget through both houses of Parliament. In practice that has not always been achieved — I do not think it has ever been achieved — in terms of the production of the estimates report. As I said to the house earlier, this year's estimates report ran to some 700 pages. However, the estimates hearings have given members the opportunity to attend and at least listen to the Premier and ministers as they are being questioned on matters contained within the budget papers. That opportunity has been available to members prior to the passage of the budget.

The timing this year, though, with the budget being brought down on 30 May and the house rising following the autumn sittings — the Assembly rising on 15 June and the Council rising on 22 June — provides very limited opportunity for that to take place: only two weeks in the case of the Assembly and three weeks in the case of the Council for the committee to undertake hearings and provide information to members for their consideration prior to the passage of the budget bills. As such the Liberal Party believes the timing is less than optimal. It has agreed to support this motion for the concurrent sitting of the Parliament and the estimates committee so that members will have some evidence before them prior to the passage of the budget, but it is not something that it regards as optimal. Having committee hearings and sittings of

Parliament occurring simultaneously is not something it would regard as acceptable for future years.

I note the Leader of the Government's commitment to the scheduling of legislation having regard to the needs and desires of members of the committee for their participation in debate, and we welcome that commitment. However, we recognise that while this is not an optimal situation, the very short time frame between the tabling of the budget and the requirement for that budget to be passed before the house rises in June has meant that we are effectively required to undertake this process of having simultaneously hearings of the PAEC and sittings of Parliament. For that reason, this year — and I emphasise 'this year' — the Liberal Party will support this motion.

Hon. W. R. BAXTER (North Eastern) — It will come as no surprise to the house, I am sure, that The Nationals oppose this motion. We do so from the point of high principle and from the high moral ground.

Parliament ought to be paramount. Parliament must be supreme. We cannot have the Parliament undermined to suit the convenience of the executive, and that is exactly what this motion is all about. It is all very well for the Leader of the Government to say that this is a request from the Public Accounts and Estimates Committee that the committee be able to sit concurrently with the chamber. It might be, in technical terms, but the committee found itself between a rock and a hard place because the timetable set by the executive with the bringing down of the budget, the peculiar sitting regime we now suffer from and the way the appropriation bills will be put to a vote in the Parliament left the committee in a situation where it was going to be impossible for it to conduct its hearings in the fashion that has become customary within the time frame available.

The committee in good faith — I confess to not being present on the day that the decision was taken — apparently agreed to seek this approval. I am sorry the committee took that view, but I do not criticise the committee for it; I criticise the government. We hear that the budget is late this year because of the Commonwealth Games. I have always been suspicious that that was the real reason. The minister has let the cat out of the bag this morning when he said, 'This is a trial. We might do it from now on'. In other words, this is a device to lessen scrutiny of the government by the media, the Parliament and the people, by having the Parliament and a committee sitting concurrently so that the focus is more diffused than it would be if the Parliament were sitting alone or the committee was

sitting alone, which has always been the case in the past.

I have to say, as I have said before, that over there in Treasury Place there are, in the employ of this government, some strategic thinkers who nut out the tactics. I did not come down in the last shower. I think I can see through the tactics in this device today. It is all very well for the minister to say, 'We have a precedent for committees sitting concurrently'. Yes, we have, on special one-off occasions where it has been necessary perhaps to get final approval before a report is tabled in the house or whatever. We might have had a brief concurrent meeting of a committee on a particular day, but this is a proposal to have the Public Accounts and Estimates Committee sitting six days, all afternoon, whilst the house is in session, and that is an impossible scenario. There is no way that members of the committee can be concentrating on what the committee is deliberating on if they are wondering whether they ought to be in the house.

I acknowledge the leader's offer, for my benefit in particular, to try to structure the business of the house to accommodate that. I appreciate that thoughtfulness, but frankly I do not want that consideration. I do not believe it is appropriate. I do not think everyone else in this place ought to have their programs adjusted or put out simply to accommodate one member — myself in this instance. I do not feel at all comfortable with that.

I simply believe this is another means used by this government to downgrade the importance of Parliament. We have seen it with the introduction of time limits, we have seen it with convoluted and complex sessional orders, we have seen it with the fact that ministers do not come in for the adjournment debate, and we have seen it when ministers do not respond to opposition motions on Wednesdays and put up some backbencher to represent the government. This is Parliament being sidelined by this government. This is another example of the slippery slope on which this institution is being taken off its pedestal as the supreme law-making body of this state and becoming just part of the apparatus of government — a tool of the executive, rather than a sovereign legislature. I am very much opposed to this motion.

Ms ROMANES (Melbourne) — I rise to speak in support of the motion, which has come before this house and the other house at the request of the Public Accounts and Estimates Committee, for the committee to have permission, under the circumstances that prevail this year with the parliamentary timetable and other events in this state, to sit concurrently with the Parliament. I do so being aware that a number of issues

have been raised by Mr Baxter, who is a member of The Nationals and a member of the committee. Generally, however, members of the committee understand the need to do this in 2006 because it is the only way in which we can deal effectively with the public estimates and the sitting dates and timetable that we have before us. It is an unusual year, and this process will enable us to maximise the number of portfolios that are scrutinised and considered in the estimates process prior to the passing of the budget.

I will take up Mr Baxter's point about the reason for this motion appearing under government business at the request of the Public Accounts and Estimates Committee. Mr Baxter said that the executive government is trying to avoid scrutiny. That is not the case. If we look back at the record of the Bracks Labor government over the past seven years we see that the government has increasingly fulfilled its commitment to be open and accountable.

I have before me a timetable of the budget estimates hearings which outlines very clearly the dates on which the appropriation bill has been introduced into the Legislative Assembly over the last 10 years, the dates on which the budget estimates hearings began, the dates on which they concluded and the number of portfolios reviewed.

Hon. D. McL. Davis — On a point of order, President, is the member prepared to make that document available to the house?

Ms ROMANES — I would gladly make it available to the house, President, and I would be very happy if it were tabled as part of the debate.

The PRESIDENT — Order! On the point of order, there is no formal tabling process, but the member has indicated that she will arrange to have photocopies taken and will make the document available to members.

Ms ROMANES — If we refer to the first time that such figures became available, which was in 1996–97 under the Kennett government, we see that only two portfolios were reviewed by the Public Accounts and Estimates Committee before the appropriation bill passed the remaining stages in the Legislative Council. In 1997–98 there were also 2 portfolios; in 1998–99, 3; in 1999–2000, 2; in 2000–01, 5; in 2001–02, 9; in 2002–03, 16; in 2003–04, 34; in 2004–05, 13; and in 2005–06, 42, so I take issue with Mr Baxter's point that the Bracks Labor government is trying to avoid scrutiny of its budget by the Parliament and the appropriate committee, which has the responsibility for scrutinising

and calling members of the executive government to account through the estimates process.

As Mr Forwood knows, that is quite a rigorous process. Under the Bracks government all ministers, the Premier and the presiding officers have appeared every year for the last six years before the Public Accounts and Estimates Committee, again in contrast to the Kennett government under which only selected ministers of the former Liberal-Nationals coalition government appeared before the estimates committee.

The government has made a very strong commitment to the estimates process. This is an unusual year in which for the first time the budget will be brought down at the end of May, on 30 May, rather than the first week of May, which has been the practice in the last few years. We know that the timetables for many things that are happening in Victoria this year have been upset by the Commonwealth Games. We know that the first term for schools has been truncated and that calendars and patterns of holidays and business activities across Victoria have been affected because we are about to have the most major sporting and cultural event that has ever been held in the history of this state. As Mr Baxter said, that does not happen without some adjustment and inconvenience to various people.

In terms of the request of the Public Accounts and Estimates Committee for an adjustment of the program and for permission to sit concurrently with the Parliament, there is another way to look at this change of procedure — that is, that it will give members of Parliament more access to the estimates hearings. They will be close by while they are in attendance here over those weeks. It will be an opportunity for members to attend the estimates hearings and listen to the answers from ministers with portfolios of special interest to them. It is an opportunity for increased scrutiny by members and by the Public Accounts and Estimates Committee through its work upstairs in the Legislative Council committee room, which is the place where we normally meet.

This is in line with the Bracks government's commitment to improve accountability. It has been the practice of the government during the time it has been in office for the major portfolios with significant expenditure to be examined by the Public Accounts and Estimates Committee at public hearings before the appropriation bills are passed, and as I have outlined this will enable that to happen.

It is disappointing that Mr Baxter has opposed this motion. I find it upsetting that we do not have full cooperation and collaboration on this motion, which

has come from the committee. Mr Baxter's attendance at the Public Accounts and Estimates Committee has not been at the level of that of other members, and I understand precisely why in some circumstances — when the committee is only meeting for a short period, although normally it meets for 2 and 3 hours at a time — Mr Baxter, being a country member, may be unable to attend.

This means that if the Public Accounts and Estimates Committee is meeting concurrently with the Legislative Council, Mr Baxter will still be able to attend every meeting of the estimates committee in 2006. In a sense that will facilitate Mr Baxter's full attendance at the estimates hearings this year.

This request has come from the members of the committee. Under the provisions of the Parliamentary Committees Act members in both houses of Parliament may request permission for a committee to sit concurrently with the house in extraordinary circumstances. The house has accepted a recommendation from its Standing Orders Committee for a Legislation Committee to sit concurrently with the Legislative Council to trial that measure over the coming months. This is quite consistent with that initiative.

We hope that, perhaps through timetabling and the ordering of parliamentary business, similar circumstances will not happen in the future, but given the extraordinary circumstances of 2006 I support the motion before the house.

Hon. BILL FORWOOD (Templestowe) — Let me start by saying that poor old Ms Romanes got the thin end of the wedge. She drew the short straw in having to stand up and try to justify the motion before the house today. I find myself in the extraordinarily bizarre position of announcing that I will vote for the motion before the house, but I agree with every single word uttered by my colleague, Mr Baxter, and I can understand completely why he has decided he will vote against it. However, as deputy chair of the committee in question, I will be voting to ensure that we will sit and do the estimates process concurrently with the sittings of the house. But make no mistake, this is not the wish of the committee — it is being forced upon us by the actions of the executive government. I note that Ms Romanes has shot through, which is a pity, but it sticks in my craw when I hear this stuff about this government being transparent and accountable, because every single person, particularly those who sit on the Public Accounts and Estimates Committee, knows that this government is anything but transparent and anything but accountable.

Let me give a couple of small examples. Ms Romanes, along with the majority of members on the committee, voted to stop the Attorney-General in the other place appearing before the committee for an appropriate period of time. What is absolutely — —

The PRESIDENT — Order!

Hon. BILL FORWOOD — The President is going to shut me up now, is she?

The PRESIDENT — Order! Mr Forwood should sit down. I draw the honourable member's attention to the fact that privileged matters and procedures that take place in the Public Accounts and Estimates Committee or in any other committee should not be debated in the house until they have been appropriately reported on. I advise the member to be cognisant of those practices.

Hon. BILL FORWOOD — I thank the President for her advice. Let me make it very clear that the timetable for the Public Accounts and Estimates Committee hearings is available, and anyone who looks at it will see that the Attorney-General is appearing for 3 hours. Most people in this place know that the Attorney-General is also the Minister for Industrial Relations and the Minister for Planning. We have tried for two years to get an appropriate amount of time for him to be properly scrutinised, but this jackbooted government instructs its members on the Public Accounts and Estimates Committee to use their numbers to prevent proper scrutiny. This happens time and again, and it is an outrage. The government says that everybody turns up, and so they do, but in the old system each member who turned up was able to be scrutinised for an appropriate amount of time; now, of course, they are not.

Another reason ministers do not get scrutinised properly is that the government now has this practice of producing dorothy dix questions. There is no desire on behalf of the government members of the committee to do anything to scrutinise the executive. All they do is ask dorothy dix questions with set answers from the minister to use up the time of the committee.

Hon. W. R. Baxter — It is a farce.

Hon. BILL FORWOOD — Thank you, Mr Baxter, it is a farce. They come in here with their mealy mouthed words about accountability and transparency, but they are lies. It is a farce. Let me turn to the reason given by the government in its press release on 4 October.

An honourable member — Its brief press release.

Hon. BILL FORWOOD — Its brief press release. On 4 October it announced that the budget would be handed down on 30 May. Would you believe the Treasurer, Mr Brumby, is quoted as saying:

The Victorian government has taken into account the number of major events taking place in Victoria ... including ... the Commonwealth Games

Apart from the games ... there will be a significant number of pre and post ... events involving government ministers ...

The timing of next year's budget will allow adequate time for the necessary preparation by government.

If ever I have heard nonsense, that is it. What garbage! Is this government so incompetent that it cannot produce the budget on time because the Commonwealth Games is on? Do not give me that. No-one believes that, and no-one in the bureaucracy believes it either. That is just nonsense. What is the real reason? Why is it being delayed? I will tell you why: the real reason it is being delayed is because there is an election this year.

Ms Romanes interjected.

Hon. BILL FORWOOD — I hear the interjection from Ms Romanes, who said, 'Come on'. How naive it is of some members of this government to believe the spin that is put before them every time. There is an election this year, and this government is in the business of dumbing down the Parliament. This government is in the business of hiding its mistakes. This government is in the business of not owning up. If members want to see a few examples of not owning up, they can look at the performance of the Minister for Commonwealth Games yesterday.

The PRESIDENT — Order! Mr Forwood will speak on the motion.

Hon. BILL FORWOOD — I am on the motion, absolutely on the motion. This motion is about this place sitting concurrently with the Public Accounts and Estimates Committee, and I am outlining the reason that this government is trying to dumb down the Parliament and shut up the Public Accounts and Estimates Committee.

Hon. D. McL. Davis — And avoid scrutiny.

Hon. BILL FORWOOD — And avoid scrutiny — that is a very good expression as well. Can members believe that this press release also said that having a later budget would allow the Premier to go to the BIO2006 conference? The state budget is now secondary to an international conference!

Hon. D. McL. Davis — However worthy.

Hon. BILL FORWOOD — However worthy. You can see the priorities this government now has. It does not give a toss for the Parliament or for proper scrutiny.

Today the Leader of the Government came in here and suggested that the real reason for the motion is that the government wants to trial producing our budget after the federal budget. That is not in the press release dated 4 October 2005. The government dreamt up that reason later. Then the cat comes out of the bag that this is just a trial. I say to the Leader of the Government: 'Keep your trial. Stick to some of your promises. Try a little accountability and transparency'. I remember a commitment in the Independents Charter that the government would honestly answer questions in this place. The Premier said, 'I will instruct ministers to answer questions honestly'. I ask members of this place to read the answers given to us in question time each day. They should turn to *Hansard* and look at some of the nonsense that is dished up.

Hon. D. McL. Davis — Responses more than answers.

Hon. BILL FORWOOD — They are not even responses. Because of the combination of the phoney sitting days, the late budget and the state election the government has put us in the dreadfully evil position where we have a choice between doing this and not doing the job at all. Let me talk about the phoney sitting days. Members in this place know that traditionally there has been an autumn sitting and a spring sitting of the Parliament. In the winter we have the capacity to travel overseas, to study and to do other things. This government has decided that it suits its electoral purposes — it is nothing to do with the operation of the Parliament — for the Parliament to sit a week here and a week there, and the Leader of the Government will proudly say, 'We now sit every month of the year except January'. So what!

We ought to have proper sitting weeks and the capacity for important committees to do their work at an appropriate time. As Mr Baxter said, we should not have the smarties sitting over in 1 Treasury Place thinking up ways of enabling the executive to ride roughshod over the Parliament. You see it with the sitting days and with the Public Accounts and Estimates Committee being forced into the position it finds itself in today. Yes, members of the government might be smart, but they are not honest or transparent or open. The government's behaviour is an absolutely damning indictment of government in this place. I am still gobsmacked that the Speaker in the other place could

clear the member for Ivanhoe in the other place, Mr Langdon, of renting out his office —

The PRESIDENT — Order! As I have indicated previously, this is a narrow debate about the Public Accounts and Estimates Committee having leave to meet and take evidence whilst the house is sitting. I draw Mr Forwood back to the motion before the house.

Hon. BILL FORWOOD — Thank you for your guidance, President. I think I have just about had enough. I have certainly had enough of that mob over there!

The PRESIDENT — I think we have had enough of you, too.

Hon. BILL FORWOOD — I heard that! I think it is inappropriate for the President to say she has had enough of me. I wonder about the standards in this place when the President interjects when members are speaking. The President should watch out or I will interject when she is speaking!

Let me finish my contribution to this debate by saying that it is extraordinary that I am here today as deputy chair of the Public Accounts and Estimates Committee voting for a motion which I violently disagree with, but in the schizophrenic way I behave today, I will do so. But I want people to be in absolutely no doubt that I regard this as an appalling initiative by this government, which has forced us into this position.

Mr VINEY (Chelsea) — As is normal, Mr Forwood mistakes volume for substance in his debate, and of course we know he has form in that regard, because it was Mr Forwood who as parliamentary secretary to the Premier was chair of the Public Accounts and Estimates Committee in the dark days of the Kennett government when it nobbled the Auditor-General. That is his form. So it is a bit rich for him to come into this chamber and talk about the accountability of the government. No amount of volume will hide the facts of Mr Forwood's history in that regard. The motion has been put before the house to facilitate the accountability of the executive to the Parliament through the Public Accounts and Estimates Committee — a joint committee of both houses — and is at the request of the committee.

In the context of this debate it is important to put some facts before the house. Yes, it is unusual for a committee to meet concurrently with the sitting of the houses. However, in this case it will only meet for six days. It is my understanding — and I want to acknowledge and thank Mr Baxter for helping me with this information — that the Public Accounts and

Estimates Committee will have hearings on a total of 16 days in relation to the estimates process for the budget. That is 6 days out of 16, and there is an additional day in reserve. So there are 10 days on which the committee will be conducting its hearings when the Parliament is not sitting and 6 days when the Parliament is sitting to ensure that the estimates process can be concluded — ministers can give evidence to the committee and answer the committee's questions in relation to the budget in time for it to be passed subsequently by this Parliament.

As has been made amply clear by both the Leader of the Government and Ms Romanes, the reason this is being asked for on this occasion is to ensure that we have proper accountability in this Parliament in relation to the budget in light of its late introduction this year. I will leave it to the Leader of the Government to respond in debate to the questions that have been raised by members on the other side of the chamber, except to say that, as I understand it, it is being done on this occasion only. It has only been requested by the committee for this year, and that is the motion that is before the house.

I want to conclude by saying that there is no diminution of accountability of the executive through this motion. A considerable number of hearings will be conducted by the Public Accounts and Estimates Committee in relation to the budget. There are 16 days in total and 1 day in reserve. I do not think the media will have any less access to the committee because the Parliament is sitting; in fact I suspect there will be more media around on days when the houses are sitting. If the committee sits in the afternoon after question time the media will be able to move from the gallery here to the committee hearing room. I think the request of the Public Accounts and Estimates Committee that it meet concurrently with both houses sitting on 6 of the 16 days has merit.

In response to Mr Forwood's comments I put on the record that it was this government that put in place and enshrined the powers of the Auditor-General. It was this government that put in place the practice that the Auditor-General will review and give his tick to the budget in advance so that when it comes before the Parliament we can be assured the Auditor-General has ticked it off as an accurate reflection of the state of Victoria's finances. This government put the accountability processes of the Auditor-General into the constitution. This government has reinvigorated the Public Accounts and Estimates Committee and placed ministers before it, which the Kennett government never did when Mr Forwood was a parliamentary secretary and the chair of that committee.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to reinforce the views on this motion of both my colleague Mr Baxter and Mr Forwood, and to restate the opposition of The Nationals to it. The Nationals have been consistent in expressing our opposition to the formal processes of Parliament operating concurrently. We did so a month ago when, in the last parliamentary sitting week, we debated a motion for a change to standing orders to establish a legislation review committee which would operate concurrently with parliamentary sittings. We went to some lengths to expand on the reasons we opposed that, and I am not going to regurgitate those views, except to say that we see the sitting of this Parliament and the operation of this chamber as an absolute priority for the use of our time. Consequently we do not agree with other formal processes of the Parliament being run concurrently, because you simply cannot be in two places at the same time.

I noted the words of the Leader of the Government in this house when he spoke on the motion and suggested that we will see how it goes and then perhaps discuss with the Treasurer the likelihood of its continuing in future years. This is a trial, but we are concerned that it is the first step towards the government introducing a formal process where the Public Accounts and Estimates Committee may well be sitting on a regular basis while Parliament is sitting. I appreciate the offer by the Leader of the Government to facilitate the convenient timing of debates in this chamber, I suppose in particular to allow Mr Baxter to minimise the conflict between his duty as spokesperson for The Nationals on a whole range of matters in this chamber and the timing of sittings of the Public Accounts and Estimates Committee. I appreciate that offer, but I also realise that is not going to be possible in Mr Baxter's case or for other members of the Public Accounts and Estimates Committee. There are inevitably going to be clashes with their time.

I appreciate the Leader of the Government acknowledging the travelling difficulties in attending committee hearings faced by country members of Parliament. He was a bit more gracious than Ms Romanes was when she made an almost backhand swipe at Mr Baxter's attendances at the Public Accounts and Estimates Committee meetings. In that respect I say that we always get to as many of these meetings as we can, but our priority is the sitting of Parliament, and while Parliament is sitting I do not think we will see Mr Baxter upstairs with the Public Accounts and Estimates Committee too regularly because he, as he should, sees his priority as being in attendance while this chamber is operating. Mr Baxter has an outstanding record of attendance in this chamber

whether the debates concern bills he is involved with or not, such is his interest in the affairs of this Parliament. As to this motion facilitating his attendance at the upstairs meetings of the Public Accounts and Estimates Committee, that simply will not happen.

We are not completely negative about the timing of committee sittings, so I will make a suggestion, as I think I did last week during the debate about concurrent sittings of a legislation review committee. The Nationals would be prepared, on a trial basis, to facilitate a change in standing orders to provide that this chamber would perhaps not sit on Wednesday mornings, as it has done in the past, so that parliamentary committees could meet during a sitting week but outside the working hours of the Parliament. We would be quite happy to do that on a trial basis. It has been done in the past and has worked well. When such a schedule was adopted there was still time for general business at a later point on Wednesdays.

Indeed I understand that way back Parliament did not sit until 4.00 p.m. on Tuesdays, which allowed committees to meet during the course of Tuesday afternoons prior to that time. We would also be willing on a once-off trial basis to see a change in the standing orders to allow that to happen so that the Public Accounts and Estimates Committee could meet to facilitate its need to interview ministers about the budget estimates. The Nationals are not inflexible. We are happy to see trials that would facilitate the needs of the government and the Public Accounts and Estimates Committee on this issue, but we remain strenuously opposed to concurrent sittings of the formal processes of this Parliament and will always vote against any such proposals, as we will vote against the motion before us now.

Hon. D. McL. DAVIS (East Yarra) — I find myself, like other members on this side of the chamber, increasingly concerned as this debate develops. As Mr Forwood made clear, he was placed in a terrible position as a member and deputy chair of the Public Accounts and Estimates Committee. Others, like Mr Baxter, are also in a very difficult position as members of that committee, which is making a recommendation to this chamber. In that context the opposition will support the motion, but as Mr Forwood has pointed out, many of us have grave concerns about it.

As a former member of the Public Accounts and Estimates Committee it is entirely clear to me what the government is seeking to do. Whatever its rhetoric, whatever is said in the flimsy news release the Treasurer put out on 4 October 2005, it is clear to me

that this is an attempt to reduce scrutiny through the budget estimates process. It is an attempt to bury debate about individual portfolios in the period when the Parliament is sitting. This has been an increasing trend under this government. In the first period I was on the Public Accounts and Estimates Committee we saw a greater frequency of individual portfolios being dealt with — one minister per day. Now the trend is increasingly to put two ministers on per day, which means less negative media coverage for the government as misdemeanours, misallocations and misappropriations within departments are brought to light through the estimates process.

Hon. Andrea Coote — It is PowerPoint anyway.

Hon. D. McL. DAVIS — As Mrs Coote makes the point very clearly, it is PowerPoint. Increasingly ministers as they come to the Public Accounts and Estimates Committee seek to make a long-winded, verbose contribution at the start of that process, hogging up as much as they possibly can of the 3-hour period that has been allocated with drivel and nonsense in an attempt to reduce the number of questions put to them that they find prickly and difficult. This is an attempt to take that process one further step of burying the estimates process in the parliamentary sitting time. Mr Baxter, the member in this chamber who has most experience and understanding of the parliamentary process, pointed out very clearly that the Parliament should be sovereign. He said it should be the place where people's attention is focused when the chamber is sitting and should be the place where the views of individual MPs and their constituents are heard. Members should not be scurrying off like rabbits to attend hearings all around the countryside, where they have equally important duties.

This concept of having Parliament sit concurrently with committee hearings is inherently flawed. As Mr Forwood said, it is part of the government's process of dumbing down this Parliament in an attempt to weaken scrutiny. It should not surprise the community that the government is taking this step this year. This is, after all, an election year. In case it has not dawned on many people in the community — —

Mr Lenders — It is Commonwealth Games year.

Hon. D. McL. DAVIS — I will come to that in a moment. On 25 November there is a state election, and this is a year when the government wants to prevent scrutiny and minimise examination of its budgetary record. That is what is driving this.

The minister made the point by interjection that this is the Commonwealth Games year. That is the ostensible reason for this change, but nobody believes that. If that is the real reason, I find it extraordinary that we will have the synchronised swimming and the javelin determining when budget processes are conducted. As important as the Commonwealth Games is and indeed as important and worthy as the BIO2006 conference is — the Treasurer's news release states that 'the later budget presentation date would allow he and Premier ... to attend the BIO2006 conference' — I believe the duty of the Premier and the Treasurer is to be here when Parliament is sitting, and they should schedule their activities around the Parliament and not the other way around.

I also ask, given that not only is this an election year but that this move is being made to fit in around the Commonwealth Games, why is it impossible to change the sitting schedule of Parliament now, if the government is so determined to have all the hearings over ahead of the vote on the budget? Why is it not possible, if necessary, to bring both houses back for a day or two later in June? It would be a very simple thing to do. It would put the Parliament at the forefront rather than having its sittings controlled by the Commonwealth Games and the Treasurer's and Premier's wanderings around the world. It does not seem a complex solution.

I am concerned about this issue. I am concerned about the trend of the Public Accounts and Estimates Committee to have ministers double-up at scheduled hearings, and I am concerned about the trend to try to block them in quickly. As a former member of the committee I know, and those who have been and are now on that committee will also know, the huge workload that people on that committee are required to undertake. It is difficult to get your mind around a huge mass of material on a daily basis. Material from departments and from those making submissions to the committee often comes late to committee members who wish to see certain matters brought to the attention of the committee. All of that material has to be mastered in a short period. The idea of 3-hour hearings twice a day while the Parliament is sitting and the members not having the time or capacity to examine masses of documents and material is again part of the dumbing down process.

What is required is a steady schedule that would allow members of Parliament who are on that committee to examine complex areas systematically and one at a time. Whether it be health, education, transport or any of the other big portfolios, the billions of dollars being expended are scrutinised in that process. For members

to attend one hearing in the morning of 3 hours with, for example, the Minister for Finance and another hearing in the afternoon with, for example, the Minister for Health, is laughable. It is difficult and a challenge to the capacity of members. I know when I was a member of that committee I and others would sit up late at night trying to cover the material for the next day. It would be much simpler and smarter if the process were to have one hearing a day where members would have a greater capacity to master the material. This process that has occurred over time of blocking and chocking hearings will be exacerbated by these changes proposed by the government today.

I want to comment on the ludicrous contribution by Ms Romanes today when she took a swipe at Mr Baxter, a person of great standing in this chamber and a person who has been exemplary in his contribution to this Parliament. The idea that she would take a swipe at his attendance record because he is a country member is extraordinary. It is possible for Ms Romanes to ride a bicycle to the hearings, and I know she often does that. As shadow environment minister I welcome the use of bicycles, and I welcome the use of non-greenhouse producing methods of transport, but I accept that country members are mostly going to use different forms of transport to get to the Public Accounts and Estimates Committee hearings. Most of them will use forms of transport that require many hours of travel. It is unreasonable to hold a country member to the same attendance standard as a city member. It is unfortunate that Ms Romanes made that attack.

I am equally concerned that the Leader of the Government let the cat out of the bag with respect to this being a trial. That is the bombshell in this debate. This is clearly not an occasion that is driven by the Commonwealth Games, as was presented to us. Not only are we in the first instance going to put the synchronised swimming ahead of the sitting of Parliament and parliamentary committees — I hope synchronised swimming is a Commonwealth Games sport, I am not sure — the idea that this is to be a trial which could be replicated next year is the clear implication in what the minister said. There is clearly an intention to introduce a new process that will further dumb down the Parliament, will further reduce scrutiny and is designed to further squeeze the time of members on the Public Accounts and Estimates Committee and their capacity to examine the government's mismanagement of the Victorian economy.

As has been said, the Liberal Party will support the motion, but it does so through gritted teeth and with

increasing concern following what we have heard from the Minister for Finance today.

Mr LENDERS (Minister for Finance) — I thank members for speaking in the debate. Without going into the substantive issues of the debate, which still remain, in the year of the Commonwealth Games this is a balance so that the government can be under scrutiny by the Public Accounts and Estimates Committee in an efficient use of time by members of Parliament through concurrent sittings.

A couple of points that came up in the debate are well worth addressing. Mr Baxter made a very measured contribution. I always appreciate hearing Mr Baxter's contributions, but I will make an observation in response to his claim about the Parliament becoming merely a tool of the executive. We as a government copped a fair amount of stick in this chamber about why we sat in the first week of February when we did not have any legislation in this place. If you reflect on why we sat, you will find that it was because those three sitting days gave three question times to the non-government parties, three lots of 90-second statements and three adjournment debates, no matter how flawed Mr Baxter thinks those adjournment debates are. We do not treat this place as a legislative sausage factory; we sat for three — shortened — days particularly so that there was scrutiny of government. If we had not sat, we would not have had those three days of scrutiny. While I respect Mr Baxter's opinion, in this case I feel the need to rebut it.

I would like to contrast Mr Forwood's comments with Mr David Davis's comments. While I very much welcome the support of these two gentlemen for this motion and do not wish to be churlish, I cannot help but comment that Mr Forwood is saying, 'It is a tragedy that we have gotten rid of these sabbaticals, or the two periods of time between sittings to travel, to move, to do things — and a lot of other activities that MPs need to do'.

Hon. Bill Forwood — Meetings!

Mr LENDERS — Yes, for meetings and committees. On the other hand Mr Davis is saying the total reverse. I must comment on Mr Davis's contribution. It is also interesting to contrast Mr Davis with Mr Baxter. Mr Baxter made a very measured response about the role and supremacy of Parliament and said that members of Parliament can do their job scrutinising legislation in this chamber and scrutinise government in the Legislative Council committee room, while Mr Davis said, 'My gosh — two hearings a day! How could you get the media out there?'. I

accept that in this age of politics media scrutiny is important, but it would be more dangerous to get between Mr Davis and a camera than between a tiger snake and its babies! Having said that, I take Mr Baxter's comment that in parliamentary scrutiny the focus should be more on members of Parliament having access to ministers rather than on getting access to cameras, although that is Mr Davis's prerogative.

The final point of Mr Davis I will respond to is about sitting schedules. People say that 'listens and acts' is a platitude, but what we have heard from members of Parliament on both sides of the house — certainly in my short time in Parliament; I am sure Mr Baxter has heard this for a lot longer than I have — is that the one thing people want is some certainty as to the sitting schedule. In response to the point Mr Forwood made, you can actually plan ahead beyond three or four months. The purpose of setting the schedules was so that members could do the sabbatical work Mr Forwood talked about — could plan their year. That is why we set a full year's schedule. That was launched in December last year. Mr Davis suggests that we now change this cherished schedule, which people have planned their lives and business activities around. I welcome Mr Davis's support, although I do not welcome his contribution to the debate.

Some serious issues have been discussed here. Unquestionably the important thing is that this is an unusual occurrence to deal with the effect of the Commonwealth Games. I urge the house to support this measure to deal with this unusual occurrence and let us get the balance right between scrutiny of the executive through the Public Accounts and Estimates Committee and the sitting of the Parliament to do its other work. I urge members to support the motion.

House divided on motion:

Ayes, 36

Argondizzo, Ms	Lenders, Mr
Atkinson, Mr	Lovell, Ms
Bowden, Mr	McQuilten, Mr
Brideson, Mr	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Mrs	Mitchell, Mr
Carbines, Ms	Nguyen, Mr
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Pullen, Mr
Darveniza, Ms	Rich-Phillips, Mr
Davis, Mr D. McL.	Romanes, Ms
Davis, Mr P. R.	Scheffer, Mr
Eren, Mr	Somyurek, Mr
Forwood, Mr (<i>Teller</i>)	Stoney, Mr
Hilton, Mr (<i>Teller</i>)	Strong, Mr
Hirsh, Ms	Thomson, Ms
Jennings, Mr	Viney, Mr

Koch, Mr

Vogels, Mr

Noes, 5

Baxter, Mr

Hadden, Ms

Bishop, Mr (*Teller*)

Hall, Mr

Drum, Mr (*Teller*)**Motion agreed to.****CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL***Second reading***Debate resumed from 28 February; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the bill, I indicate that the opposition will support it. It is a fairly minor provision. After observing the parade of the Attorney-General's minor one or two-page bills coming before this house, and listening to the debate on how busy the house is, one is left to wonder whether, when the government feels a need to have a bit of business to fill up the notice paper, it rings up the Attorney-General and says, 'Is there anything you can dream up to bring into the house?'. It would appear that the Attorney-General then talks to his staff and says, 'Is there anything that the courts have been doing for the past five or six years that isn't actually in legislation?'. Then the government brings in a bill to put into legislation what the courts have already been doing.

Hon. Andrea Coote — And calls it 'Crimes (Something)'.

Hon. C. A. STRONG — Yes, and calls it 'Crimes (Something)'. I must say that this seems to be another one of those bills. I do not criticise it for doing anything wrong; I simply say that all it does is essentially mirror and put into legislation what I understand is already current practice, what is commonsense and what members of the police force would have been doing for years.

Essentially what the bill says is that when a member of the police force is called to a family violence incident — and we must recall that in a family violence incident the blood is up, the temper is out there, passions are raised and in many cases there might be alcohol involved as well — that police member will be able to say to whichever one of the parties is the one appropriate, 'Calm down. Stay with one of your mates for 6 or 7 hours until you feel better. Leave the scene.

Leave it alone. Let tempers cool down. Go away and get off the scene for a while'. In extreme cases the policeman will say, 'Come with me down to the station, and I will keep you there for a few hours until you sober up and calm down or become more reasonable'. What this bill does is simply allow a police officer to do that — the sort of thing I am sure any sensible police officer has been doing for many years now.

The main provisions of the bill are set out in proposed section 8AB, which says:

A member of the police force may exercise a power under this Division in respect of a person only if —

(a) the member —

of the police force —

has reasonable grounds for suspecting that the person is of or above the age of 18 years; and

(b) the member —

and this is the main thing —

believes on reasonable grounds that exercise of the power is necessary to ensure the safety of the aggrieved family member or to preserve any property of the aggrieved family member.

What the policeman can then do is direct that person to leave the site for up to 6 hours, if that is appropriate. Alternatively, where in a family violence situation one of the parties, perhaps the woman, has already left the home, the policeman can direct that the male stay there for 6 hours until he calms down and gets reasonable. Another alternative, in extreme situations, is that the police officer can cart him off down to the station for a couple of hours until he cools down. Now, nobody can argue that that is not a fair and reasonable provision; certainly I do not, and the Liberal Party does not. I simply say that this is already practised, as far as I understand it, and has been happening for years anyway. This bill will allow it to continue to happen. It probably would have continued to happen without this bill.

I am not going to grace this bill with any more discussion. This is basically a practice which is in place and reasonable. Let us get on with it, and do something that is new and different and worthwhile. Let us vote for this and move on.

Hon. W. R. BAXTER (North Eastern) — I will try to follow the lead set by Mr Strong. I think he is probably right in expressing a degree of cynicism to the effect that this bill has been conjured up for the purposes of adding to the number of bills the

government will claim credit for introducing at the end of the year and allowing government members to claim they did more than that dreadful Kennett government's members did. We have heard all that before.

I am perhaps a little less cynical than Mr Strong, though, in regard to the question of whether the bill is necessary or not. He is probably right in saying that for some time some police, at least, have been resorting to this sort of action and sending one of the parties — usually the alleged perpetrator — into the sin bin, so to speak, to cool down. But at least this legislation is providing some statutory authority to that. I think it is a perfectly good idea that the parties be separated in this way and some time be given for cooler heads to prevail.

As a citizen living in what I believe is a civilised society I have to say that family violence is one of those aspects of our society that I find very difficult to comprehend — that the incidence of family violence is as high as it appears to be. It is an activity which simply should not be part of our society. I often ponder what is behind it or what causes it. It seems to me that in large part it is the inability of some people to control an angry response. I think we are getting worse in that respect rather than better. Look, for example, at road rage incidents or, as Mr Bowden was regaling us about yesterday, at boat ramp rage, where people resort to losing their tempers as a first response. I wonder why this is so.

I can only suggest the answer is a lack of self-discipline — that people who quickly lose their tempers are ill disciplined in a whole heap of regards in their lives. I often wonder why they are so ill-disciplined. Perhaps that goes back to the fact that we are less authoritarian in the way we run our schools and as parents. It seems to me that a lot of young children now never learn self-discipline because they are never disciplined by their parents or by their teachers at school. I have to say that I speak without personal experience as I am not a parent, other than a stepparent, but it seems to me that you are doing the child no favours at all if you allow him to do what he likes, to select whatever he likes. I could not help but notice in this building just at a dinnertime that a family allowed a child to take an extraordinary amount of time to choose what he was going to have from the buffet. That would never have happened with my parents.

Hon. Andrea Coote — You would have been in bed by then.

Hon. W. R. BAXTER — Probably, Mrs Coote. I would have been told what we were having and that was all there was about it. I might appear to be

rednecked, but I think we pay the price down the track for letting young people get into the habit of thinking they can do what they like and have what they want and that they do not need to pay much respect to other people's needs or desires. Some of that then exhibits itself in family violence and all of the trauma and stress that that can cause, not only to the other partner in the relationship but more particularly to the children of that relationship. It must be dreadful for young children to see that sort of violent disputation between their parents.

I am happy to support any measure that will assist in this regard. I note that a report from the Victorian Law Reform Commission which goes to some of these issues was tabled in the house yesterday. It is a very voluminous document. I have not yet had time to study it other than to look through the index, but I hope to be able to spend some time reading it, because this is an issue which has concerned me for some time. It is one I find quite inexplicable and which we as a society have not got on top of. I want to see what the law reform commission has said. I know the government will be looking at it, and presumably we will see further legislation arising therefrom.

Ms MIKAKOS (Jika Jika) — It is with great pride that I rise to speak in support of the Crimes (Family Violence) (Holding Powers) Bill. Members are all too aware that domestic and family violence is unfortunately still too common an occurrence among families in Victoria, and that the great majority of family violence is perpetrated against women. At least one in five women has been affected by this crime, and family violence is the leading contributor to death, disability and illness in Victorian women aged between 15 and 44 years. Family violence costs the Victorian economy more than \$2 billion annually. One-quarter of Australian children have witnessed violent behaviour towards their mother or stepmother, and evidence suggests that is a form of child abuse and family violence in itself.

It is not too far in the distant past that family or domestic violence was trivialised and somehow considered a private matter. Society condoned and often turned a blind eye to family violence. Members would recall that family violence was even laughed at in the media. I am particularly referring to the comic strip *Andy Capp* and even the popular 1960s comedy *The Honeymooners*. It is salutary to see how much society's values have changed in a relatively short time, but I think they need to change even more.

Research conducted by the Victorian Law Reform Commission found that one of the reasons for the

prevalence of family violence is inadequate legal structures and responses and inadequate support service provisions. The law reform commission's report on its review of family violence laws was launched by the Attorney-General this week and was tabled in the Parliament yesterday. I encourage all members to read this very important contribution to this debate.

The report found that like the experience of those reporting sexual assault, which we discussed in another debate in this house just a few days ago, family violence will not be reported unless victims have confidence that they will be protected and treated appropriately by the criminal justice system. The Bracks government has been working very closely with various agencies in the justice system and the community sector to look at how we can make changes for the better and improve the experiences of victims of family violence.

I would like to acknowledge the fine work of the law reform commission, and in particular pay tribute to the contribution of Professor Marcia Neave who until recently was the chairperson of the Victorian Law Reform Commission. She has recently been appointed a judge of the Court of Appeal. Far from that being an example of the feminisation of the Victorian justice system, as mentioned in an appalling article by Andrew Bolt in the *Herald Sun* a few days ago, this appointment is an example of the system promoting its best and brightest to positions where their skills will be put to best use. I invite Mr Bolt to come into this chamber and look up at the statues here and be reminded that not only does justice wear a dress but she also wears a blindfold.

This bill will give victims of violence immediate safety from the alleged perpetrator of a violent act while the police apply for an intervention order. Family disputes have always been one of the more contentious and sometimes dangerous situations for police to intervene in. Victoria Police reviewed its approach to family violence in 2001 in a bid to better understand the issues involved and to ensure that more crimes of this nature are reported. In 2004 Victoria Police launched a code of practice for the investigation of family violence, the main aim of which was to improve the safety of and support for victims through early intervention and the prosecution of offenders. I want to pay tribute to the Chief Commissioner of Police, Christine Nixon, for her leadership in this area. She is the first chief commissioner in this state to make the issue of family violence an absolute priority for Victoria Police.

Experience with the development and implementation of the code of practice led the Department of Justice to

work closely with Victoria Police in the formulation of this bill. Perpetrators of family violence need to know that they will be held accountable for their actions.

Prior to this bill a gap existed between the criminal sanctions against a perpetrator of family violence such as assault charges, and the civil sanctions available such as intervention orders. This bill seeks to bridge this gap to allow police to direct a person who has allegedly used violence to go to a place and stay there. This will ensure that the safety of the aggrieved party is protected until an intervention order can be put into place.

It is, however, important to note that the holding powers exercisable under the terms of this bill are a civil form of detention without criminal charge. Yesterday in debating the terrorism bill I referred to the need to ensure that there are appropriate safeguards when we give these types of powers to the police, and this bill does provide safeguards. It provides that a person held under detention powers must be told of the consequences if they disobey, that they cannot be interviewed as they are not under arrest, that they can still attend court, talk with family members, friends and legal representation, and that the maximum period of detention is 6 hours, or 10 hours in extreme circumstances.

During the period of detention the complainant is able to change locks or find a safer location, such as a women's refuge. Above all this detention period will give a complainant some breathing space and ensure their safety and their family's safety. Those who are currently eligible for access to a third person while they are in police custody, such as people who identify themselves as having an Aboriginal or Torres Strait Islander background, or people who have a cognitive impairment, are still able to seek third-party representation. As I said, they are also able to pursue legal representation. While they are in civil detention they must obey and can be liable for charges such as escape from lawful detention.

The Bracks government is committed to reforming the law and providing support to victims of family violence in Victoria. Just the other day — I think it was on Tuesday — I heard the Leader of the Opposition say on the Jon Faine program that the higher incidence of family violence was somehow a failure on the government's part. This concerned me greatly. As I have mentioned already, Victoria Police has adopted a proactive, pro-arrest response code of practice for attending family violence incidents. In 2004–05 the partial implementation of the code resulted in a 73.2 per cent increase in the number of charges laid by police at family violence incidents. I encourage the Leader of the

Opposition to have a good, long, hard look at himself and ask whether it is better that more women hold their abusers to account or whether we should take the old-fashioned approach of ignoring the problem and hoping it goes away.

We should be pleased that an increasing number of women are reporting cases of domestic violence, and that this has led to an increase in the number of charges being laid. I expect more charges will be laid as a result of the changes that will be made by Parliament today, so that we as a society might get a better sense of the true extent of family violence in this state. It is a problem that has been largely hidden in our society.

I also want to acknowledge that the government has taken a number of other measures as part of its approach to tackling family violence in Victoria. In the *A Fairer Victoria* statement delivered earlier this year \$35 million was allocated to adequately resource the justice system to cope with the expected increase in the number of women reporting family violence. Only a few weeks ago, Deputy President, you and I attended a launch by the Attorney-General in the other place and the Minister for Local Government of the first of three specialist family violence court services, which will see dedicated support workers and new police prosecutors, magistrates and registrars based at the Melbourne, Sunshine and Frankston Magistrates Courts. I also want to acknowledge that for several months we have had the new specialised family violence courts operating in both the Heidelberg Magistrates Court and the Ballarat Magistrates Court. From all accounts they are going extremely well.

This legislation should not be seen in isolation. It should be seen as part of a total package of reforms committed to tackling an issue that has been largely neglected by previous governments. I particularly welcome the change in approach by Victoria Police, as I have already indicated. It is encouraging that more women are coming forward and seeking protection via the police and the justice system. There is no excuse for those who use violence against women. As a society we need to take a range of approaches to intervene in these cases to ensure that the multigenerational cycle of violence is not repeated throughout successive generations. As I said, many children are victims of such behaviour, having witnessed this type of violence against their mothers or other members of their families. Sadly we have seen that that kind of experience can lead to repeat behaviour among those children in their adulthood. This bill is a very important piece of legislation, and I commend it to the house.

Hon. B. N. ATKINSON (Koonung) — I am happy to support this legislation, but I must say that I share the concerns of the previous speakers on this side of the house in that there seems to be — I hope there is not — almost an approach of window-dressing rather than substance on this issue. Last year this legislation was due to be debated at the end of the spring sitting, but it was axed by the government as it trouped the Legislative Assembly down for the Geelong circus. It was a triumph of circus over substance.

That was rather alarming given that the incidence of domestic violence increased markedly over the Christmas period. It seems to me that if there were a genuine attempt to tackle this issue as a matter of urgency, as is suggested by this legislation, the opportunity ought to have been taken at that point in time. I raise the issue of urgency because the Attorney-General gave the terms of reference for an inquiry into this area to the Victorian Law Reform Commission some three years ago. Interestingly enough, it only produced an interim report a short time ago — some months ago — and we were still waiting on the final report when legislation was already before the Parliament in the spring sitting. It seems rather odd that there was an attempt to rush it through when the reports were not even before the Parliament at that time.

We have proceeded with this legislation now, and, as has been indicated, it is quite sensible and logical. However, I am uncertain that there is not in many ways already at this point an opportunity to give effect to what the government is trying to put into law with this legislation. In other words I think in many cases the police have in the past provided an approach which sought to try to remove people who were involved in domestic violence for some sort of cooling-off period. Really that is all this legislation does — effectively it just takes somebody away to cool off. I point out too that the legislation covers all family members, not just women. This is about family violence not just violence against women in a domestic setting, but I certainly accept and know all too well that women are almost invariably the victims of domestic violence.

What concerns me about the approach of government to the domestic violence issue is that so often the programs are designed to try to cope with the crisis situation and not necessarily support people after that immediate crisis has passed. Indeed much of the funding has been going to women's refuges. While I support women's refuges, and in many cases they are a very important part of the system of dealing with domestic violence against women and need support, we also need to look at other measures. One of the things that is very important for those women who are victims

of domestic violence is the need to build or rebuild their self-esteem and to acquire skills that will equip them to venture out on their own more confidently.

Certainly I am aware of a number of programs in the eastern suburbs — I will not name them because they operate in very difficult circumstances — that are designed to deal not just with crises but to work with the women and their families over an extended period. They work not just to rehouse them and afford them a measure of protection both at law and in terms of distance from an offending party who is likely to reoffend, but also go to some effort to try to rebuild the self-esteem of those women. I know of one group in particular that runs dinner parties, social events and all sorts of things, and I think its program is outstanding. I have seen a number of women who have entered that program exit it as confident and far more whole people who are themselves capable of functioning more happily in their lives as a result. The problem for me is that I do not think enough of those programs exist or that they are adequately supported. Because so much money is going to the crisis side of the problem, the extended programs are perhaps not given sufficient support and resourcing.

I must say, I am also attracted to a proposal that would establish some men's refuges to deal with this issue. I visited a men's refuge in Western Australia and talked with the people who ran it and some of the people who were staying there. The basis of that program — and I think it makes a lot of sense — is that in many cases there are men who know they are at risk of offending. They know they have an alcohol, drug or anger management problem and are at risk of offending. They do not want to offend, but in some cases they do not have many alternatives to going home each night and putting themselves in a situation where there may be a conflict and where they may erupt.

The Western Australia program allows men who realise they have a problem to stay away from the home and get support, whether it be for an addiction of some nature or just for anger management, counselling and treatment. This program has been remarkably successful. What appeals to me about it is that if you can take the potential offender out of the house, and if that potential offender recognises they are at risk of offending and that they need to do something constructive of their own volition to ensure the safety and harmony of their family, then you have created much better circumstances in which to resolve the whole issue.

One of the problems I find with a lot of the domestic violence responses is that so often the women and

children are taken out of the family home or the place where they are living. That sometimes results in relocation away from school, communities, sports associations and so forth, and certainly friendship networks, that the children have. It can actually add to the trauma of what they have experienced by having witnessed violence in the home.

I find it really distressing to consider how we respond to some of these issues. I think we can do better. We need to do better, and I do not think this is a political football issue. This is an issue where we can all lend a lot more care and support to developing a better response that will help everybody in the community who is touched by domestic violence. This legislation is worthwhile in the sense that it codifies the need for cooling off and gives an offender or a potential offender an opportunity to think about their actions, but I am not sure 6 or 10 hours before the Parliament is sufficient to remedy the problem. We really do need to think a lot more deeply about this issue. Our responses need to be more effective, more measured and in some cases better resourced in protecting people in families who are at risk of domestic violence. That also means that sometimes we have to look beyond just treating the domestic violence issue, which is very often a symptom of other problems in the community, such as alcohol, drug or gambling abuse.

Sitting suspended 12.59 p.m. until 1.03 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Commonwealth Games: parliamentary secretary

Hon. W. A. LOVELL (North Eastern) — I direct my question without notice to the Minister for Commonwealth Games. Is the minister satisfied with the performance of the parliamentary secretary for the Commonwealth Games?

The PRESIDENT — Order! I have difficulty with the question asked by the member. She needs to rephrase it so that it does not breach the rules of the house with respect to asking an opinion of the minister, and I remind the member that it should be within the minister's portfolio responsibilities.

Hon. W. A. LOVELL — Will the minister advise what contribution the parliamentary secretary for the Commonwealth Games has made to the preparation and readiness for the event?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome Ms Lovell's question in relation to the Commonwealth Games. Seeing that this will be the last question time before the Commonwealth Games, I am very enthusiastic about the questions that might be asked.

We have had many, many members of the Parliament being very supportive of the Commonwealth Games and making significant contributions to publicising and endorsing the games and encouraging involvement in the Commonwealth Games in their local communities. Can I also say that whilst I do not appoint parliamentary secretaries and nor am I responsible for the appointment of the parliamentary secretary involved with the Commonwealth Games, the member for Tarneit in the other place, Mary Gillett, has been a very supportive Parliamentary Secretary for Volunteers and Commonwealth Games. She has been actively involved in much of the work that has not been necessarily glamorous or seen by the public.

Areas she has been supportive of and rolled up her sleeves to be actively involved with include the chairing of community liaison groups, particularly those in and around the Commonwealth Games village. Members of this chamber will appreciate that this is a particularly complex project with a number of community groups either impacted upon or wanting to make a contribution. Mary Gillett has been particularly active in her role as chair of the community liaison committee, either speaking with the stakeholder groups individually or assisting in the chairing of those meetings. I compliment her on her work in that role. Whilst that is not necessarily a prominent public role that has been featured in the media it has been particularly significant. Her contribution has made a significant difference in our ability to deliver the village and ensure that, while the village's location at the former psychiatric centre site in West Parkville will impact on the residents of that area, this is minimised and residents will be able to not only enjoy the games but also go about their lives as they need to do. I know that Ms Romanes has been actively involved with that group and in assisting Mary Gillett with that work.

What has been outstanding in terms of the games — and I am happy to talk about this at great length, given further opportunity — is the number of contributors to the delivery of the games. They have contributed in so many ways, whether it be those in the work force directly, those involved in the construction industry or those involved in the organising committee, whether they are parliamentarians or just the representatives of the community who continue to volunteer on an ongoing basis not only during the games but within

their local communities. There has been an outstanding amount of work done by many people, and to highlight any one in particular would in a sense do an injustice to those who have made a significant contribution and in every sense of the word have been united by the moment.

Supplementary question

Hon. W. A. LOVELL (North Eastern) — Further to the minister's answer and with reference to the Premier's glowing praise yesterday for the preparation and readiness of the Commonwealth Games, I ask: if the Premier's assessment of the success of the Commonwealth Games is correct, why is he actively working against the preselection of the parliamentary secretary for the Commonwealth Games, the member for Tarneit in the other place?

The PRESIDENT — Order! The member's question is not relevant to the minister's portfolio, therefore I rule it out of order.

Commonwealth Games: community participation

Hon. KAYE DARVENIZA (Melbourne West) — I also have a question for the Minister for Commonwealth Games, the Honourable Justin Madden. With the Melbourne 2006 Commonwealth Games less than two weeks away there is much attention on the preparation by the athletes who will be competing in the games. Whilst undoubtedly the sporting competition is the key component of the games, I ask the minister to assure the house that the Bracks government has taken action to prepare ordinary Victorians for the games so that they too can enjoy the spotlight that will be on Melbourne and Victoria and maximise their games experience.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — There are 13 days to go until the Commonwealth Games. We have reached the final countdown, and the government has introduced a number of initiatives that it is great to see are being implemented across the games. Let me take members through the wonderful world of the games.

The government has made the games affordable and accessible. For this, our first international multisport event, we have introduced a family ticket. As well as that, there will be a ticket to ride free on public transport using their Metcard ticket on the day of the event, making it even better value for spectators and greater value for families. As well as that there is the \$10 V/Line offer, encouraging people travelling from

rural Victoria to travel on the day before or the day after an event, providing they book ahead.

Seventy-nine Victorian local councils have received funding under the \$4.5 million Getting Involved grants program to assist local communities right across Victoria. Whether they have been warming up for the games with the physical activities on 20 November last year or celebrating the cultural aspects of the games or even joining in the enthusiasm displayed by local governments, Victorians right across the state have in a sense adopted a second team.

As well as that, because children are our future, the government has implemented a suite of educational activities in schools right across Victoria in the lead-up to the games. We have planted one million trees so far to make the games carbon neutral, and we have implemented a number of environmental initiatives focused on water saving, energy efficiency and litter control. We have introduced the Equal First policy that promotes inclusiveness and celebrates diversity — because we are one, but we are many. As well as those initiatives there is our Respecting Indigenous Communities strategy, which provides indigenous Victorians with the opportunity to showcase their culture and participate in the games. I hope Australia's largest free cultural event, Festival Melbourne 2006, will have people dancing in the streets and embracing the opportunity to make Melbourne's reputation as a funky town.

The government's volunteer program has provided thousands of Victorians with the chance to have a direct role in the games, and in the chamber today we have amongst us one such volunteer. I compliment the Leader of the Government in this place, Mr Lenders, who has volunteered for the games over and above the official duties required of him as a minister — and I officially present Mr Lenders with his volunteer accreditation.

Honourable members interjecting.

Hon. J. M. MADDEN — Given this is the last question time before the Commonwealth Games, I take the opportunity to thank many people — and unfortunately I will probably run out of time trying to achieve that.

First of all I thank the chairman of Melbourne 2006, Ron Walker. He has done an outstanding job in not only delivering the games but also in supporting this government. I also thank the chief executive officer of Melbourne 2006, John Harnden, for the tremendous job he has done, the executive director of the Office of

Commonwealth Games Co-ordination, Meredith Sussex, and all their staff.

I thank in advance the construction workers, Victoria Police and the other emergency services, Parks Victoria and all those involved in the games. As a token gesture, all members of Parliament will today be receiving a free water bottle to encourage them to walk to the games and get active — —

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

Commonwealth Games: tree planting

Hon. E. G. STONEY (Central Highlands) — I think I could do with that water bottle now. My question is also to the Minister for Commonwealth Games, and it is quite an appropriate one to ask. In May 2003 the minister announced that 2.5 million trees would be planted over three years to make the Commonwealth Games carbon neutral. I ask: have these trees been planted, and where are they planted?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question. This government could have just delivered the sports program for the Commonwealth Games, and in many ways it would have delivered an exceptional sports program, but as I have said in this place on many occasions, the games are about much more than sport. They are much more than just an event across 11 days, they are about the future of this state.

The government has developed an array of initiatives, and one of those has been to make the games carbon neutral. The critical element of making the games carbon neutral — —

Honourable members interjecting.

Hon. J. M. MADDEN — I hear members of The Nationals on the other side of the chamber laughing. I know there is a fair degree of science involved in carbon neutrality, but although I know there are a few other things they are good at, they are not too good at science and physics. We know that members of The Nationals are always very keen to chop down trees, but I encourage them to plant a few trees from time to time. As a government we continue to plant trees in a range of places and, as I announced, we have planted more than a million trees for the Commonwealth Games.

Mr Stoney would also appreciate that we have been able to reduce the quantum of carbon emissions because of a range of initiatives, and we have not needed to plant the full number of trees. If the best

thing opposition members can find as a criticism of the games is the counting of trees, then we have done a pretty good job. May I also compliment the volunteers who have been planting the trees — —

Hon. Bill Forwood interjected.

Hon. J. M. MADDEN — That is right, Mr Forwood. Volunteers have been planting trees right across the state. The Leader of The Nationals in the other place, Mr Ryan, sent me a letter requesting details of where the trees were planted and by what sorts of groups. Recently I sent back correspondence to inform him of the significant number of community groups, including primary schools, that have planted trees right across the state, and in particular the trees that have been planted in regional Victoria.

The fantastic outcome of that is that the trees have been planted not only in locations to ensure carbon neutrality, but more importantly to refurbish land that has been degraded either along creek beds where there is enormous degradation or where there is the chance of salinity. So we not only have carbon neutrality, we also have rehabilitation of the environment. It was pleasing that Mr Ryan appreciated that by asking the question in the first place, and I know that if members of The Nationals are interested in the specific details they can ask their leader. But I do not think I have had that sort of correspondence from members of the Liberal Party. If they want more detail in relation to any of these community initiatives, I am happy to provide it. All they have to do is put the request to me in writing.

I thank everybody for their contribution in advance of the games, but in particular those many community groups such as those who planted trees or those involved in the warming-up-for-the-games activities who have contributed to every aspect of the games to make what I expect the games to be — a tremendous success.

Supplementary question

Hon. E. G. STONEY (Central Highlands) — I ask the minister: is it a fact that he has fallen short of his commitment to plant these trees by 1.5 million in order to pay for the water bottles?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question. It is good to see that someone from the opposition has just the remotest skerrick of a sense of humour, even if it is not much chop!

This has been a tremendous initiative right across the state. It has been supported by a number of water

authorities. It has also been supported by volunteer groups, Greening Australia and a number of other environmental groups. It has been endorsed by a number of community groups, and particularly those individuals who have rolled up their sleeves and got their hands dirty by planting trees — and I compliment them. Of course carbon neutrality is a new science; it is not an exact science. The advice we had was that the trees we have planted and will have planted by the end of the games will offset the carbon emissions caused by the games.

Commonwealth Games: public transport

Mr PULLEN (Higinbotham) — My question is to the Minister for Aged Care, but first I must say that the Berendale School in my electorate planted hundreds of trees. Will the minister provide the house with further details of how the Bracks government is united by the moment and of the free public transport available to seniors in the lead-up to the Commonwealth Games?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Pullen for his question. I know he addressed the question to me, but it is almost an opportunity for the Minister for Commonwealth Games to get up again and supplement his previous answer. Let us give him a breather, because he is delivering a great games to the Parliament and to the people, and we are very pleased to play a supporting role in relation to those games. We are also pleased to support the spirit of engagement of older people throughout Victoria in terms of participating in games events and in the festival of activities in the lead-up to the games, obviously through the contribution of being volunteers. The spirit of volunteerism is all embracing. It embraces the frontbench with some degree of enthusiasm. I can assure members that Mr Lenders has not become a volunteer for the Commonwealth Games just because he can get the benefits of free or discounted travel throughout Victoria. That is not his motivation, although that will certainly support many volunteers, including many seniors throughout Victoria in their participation in the games.

In the lead-up to the games, starting this Saturday, there will be free transport for seniors right across Victoria on regional V/Line services on Saturday, 4 March, Tuesday, 7 March, Wednesday, 8 March, Thursday, 9 March, and Saturday, 11 March. We know that people in their thousands will take advantage of free travel right around Victoria and in particular will travel to many of the festivals and activities in the lead-up to the games — and there is a wide range of activities.

Hon. B. N. Atkinson — Mr Madden cannot do it, but now I am excited!

Mr GAVIN JENNINGS — Exactly. I thank Mr Atkinson for his raw enthusiasm in joining with other members of the Victorian community to come together to participate in the Commonwealth Games.

In the week leading up to the games there will be totally free travel for seniors throughout the metropolitan region, and we anticipate people coming out in their thousands. I am sorry Mr Forwood is not quite old enough yet, but very soon he will be old enough to participate in community life and get his free Seniors Card travel. That is very exciting.

As I have indicated in my answer, these arrangements are not exclusively for seniors. The Minister for Commonwealth Games has indicated that people who purchase games tickets will receive a \$10 fare on V/Line, as will volunteers who participate in the games. Free travel will also apply to travel to regional cities where games activities are taking place. In fact that free travel will apply whether it be in Ballarat —

Hon. Andrea Coote — For all of the year and forever?

Mr GAVIN JENNINGS — No, during the life of the games for ticket-holders and volunteers throughout regional Victoria. There are many events which will see people coming together in the spirit of the commonwealth and in a spirit of recognition of the great contribution that people who have come from all over the globe make to this community.

The exhibition at the Ian Potter Museum of Art at Federation Square will be a great inspiration to people. It will bring them together. It is very rare for me to use the phrase, but they will be united by the moment. They will be united by the event, and they will be united by the opportunity to come together in the spirit of the games. I am very pleased to say that seniors will be active participants in the games. They will be as enthusiastic as any member of the Victorian community in relation to the great Commonwealth Games and will take full advantage of the free transport available to them in the lead-up.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My question without notice is directed to the Minister for Major Projects, Mr Lenders. But first I thank the government for postponing the environment effects statement directional hearing following the terrible tragedy on Saturday, 18 February, at Cardross and

Mildura. It was appreciated. Given Major Projects Victoria has just dumped on our community a substantial number of supplementary reports I ask: will the minister guarantee there will be no more supplementary reports at this late stage?

Mr LENDERS (Minister for Major Projects) — I thank Mr Bishop for his question and for his very genuine comments at the start. As I have said in this house before, obviously an environment effects statement (EES) process is designed to get maximum information out to a community to address the issues of that community. Major Projects Victoria has recently released five new reports, and I will go through what they are, although Mr Bishop knows what they are. They are a series of reports dealing with domestic market impacts, the Lyndhurst landfill, the economic impact scenario of modelling, the strategic planning and net community benefit review, and the economic peer review.

Five of those have been released. In the end this is always a very delicate balance. At the end of the first stage of the environment effects statement we had 24 separate reports in response to community information. Those reports have been out and about, and in response to further queries there have been five supplementary reports to assist in providing information. I accept Mr Bishop's premise that it is undesirable for this process to go on forever, because people want conclusion and want decisions made. Probably in Mr Bishop's case they do not want a decision made, but it is also a very difficult situation if you are trying to get information out and new information comes up. How do you manage that process? We are acutely conscious that this process is divisive in Sunraysia, and it is one we want a conclusion to, but also if information is being asked for we must provide it.

I will not give an undertaking that there will not be any further reports. In the end that is something that the panel will respond to according to what people in Sunraysia request. They will need to make a judgment within the terms of reference, the time frames which have been set to try to keep this concise and find a balance where more information is necessary, because they are always at liberty to ask for it. I will certainly be guided by Planning Panels Victoria, which will be communicating directly with Major Projects Victoria on issues it may have in that area.

In conclusion I cannot give Mr Bishop that assurance one way or the other, but I can assure him that this government is absolutely serious about the EES process and that when information is sought and provided it

gives the community a capacity to respond. Those 750 community members — to be precise — who had made submissions when the hearings closed will all get a response. We are acutely aware that we need to do that. Again, I take my hat off to people like Mr Savage, the member for Mildura in the other place, Mr Bishop and the many others who have put in submissions — although I do not necessarily agree with their politics — unlike some lazy members of the Liberal Party opposite, who could not even be bothered.

What I will say is that a number of reports have been released, and I am advised there will be a few more released early next month. We will continue to release reports and make things available so that we can deal with this. All I can say is that unlike the Australian Wheat Board, where Mr Bishop worked for 10 years in a previous life, this government is proudly open and transparent on these matters and will continue to bring information forward.

Honourable members interjecting.

Supplementary question

Hon. B. W. BISHOP (North Western) — No, I do not think he is worth whacking back for a low comment like that. I have a supplementary question. Given the minister's answer, he is clearly not prepared to confirm that there will not be further supplementary reports dumped on our community. Will he then confirm the dates for the directional hearing and the main panel hearings?

Mr LENDERS (Minister for Major Projects) — I cannot let Mr Bishop's comment about dumping further reports go by. Mr Bishop cannot have it both ways. Either we have a process where the Sunraysia community and submitters ask the government for information and ask for scientific analyses and assessments so an informed decision can be made, or we arbitrarily say, 'That is the end. You will have no more of those'.

We have an environment effects statement (EES) process — a sophisticated, refined process — in our community that allows us to get information. That is now out of the hands of government and in the hands of Planning Panels Victoria. There is a choice: you can say that the community asking for and giving scientific information is not going to be listened to, that you know everything and are going to make a decision on this basis. But this government will not do that. When the community asks for information and the panel says it wants more information, we provide that information so an informed decision can be made. We will err on

the side of supporting the EES process, because that is the fairest way to make a decision and one that is good for the long-term viability of the state.

Commonwealth Games: *Big Issue*

Hon. J. G. HILTON (Western Port) — My question is addressed to the Minister for Housing, Ms Broad. Can the minister inform the house how the Bracks government is 'united by the moment' and in particular what arrangements are in place for the *Big Issue* vendors during the Commonwealth Games?

Ms BROAD (Minister for Housing) — I thank the member for his question. The Bracks government is ensuring that the Melbourne 2006 Commonwealth Games are inclusive of the entire community in line with its commitment to governing for all Victorians. Where practical the Bracks government is taking the opportunities presented by the Commonwealth Games to assist marginalised members of our community to participate in and benefit from the games along with everybody else. In line with that I am very pleased to inform the house of an opportunity made available through cooperative efforts between the Bracks government, Telstra and the *Big Issue* for *Big Issue* vendors to sell their magazines at prime games venues and events.

Hon. Andrea Coote — She looked terrible in that outfit.

Ms BROAD — The *Big Issue* is recognised right around the world, and one of the reasons it is recognised right around the world is indeed because of the outfits that the vendors wear, which I think are terrific and make them highly visible in our streets. I am very proud to wear one occasionally when I get the opportunity.

There are 55 similar publications in 28 different countries, including Britain, Canada, South Africa and Namibia, just to name a few. For those members who might not be familiar with it, the *Big Issue* is a fortnightly current affairs and entertainment magazine sold on the streets of towns and cities, including a number of our regional cities, throughout Australia by people experiencing homelessness and/or long-term unemployment. The important thing about it is that vendors keep half the cover price of every magazine they sell.

As well as being a very interesting and controversial read — certainly usually more controversial than our mainstream magazines — the *Big Issue* plays a very important role in helping to increase the self-esteem of

and helping to rebuild the lives of some of Victoria's most marginalised people. I would certainly encourage members who have not picked up a copy to purchase one, because they will find it a very interesting read as well as doing something to help someone who is trying to help themselves.

The magazine is planning a special Commonwealth Games feature for the March 2006 edition, and I am pleased that Telstra is providing funding for training and equipment for that edition. The Victorian government has developed a comprehensive strategy for the games to ensure continuity of services for people affected by homelessness.

I have certainly informed the house on a previous occasion of the actions taken by the Bracks government to cover service providers, advocacy groups, local government and volunteers to ensure that that is the case. This is because the Bracks government believes that, like any member of the community, homeless people have a right to enjoy the games. We want to ensure that people who are homeless are treated with respect and can participate in public activities and events along with everyone else. The opportunity provided to vendors to sell their magazines at prime Commonwealth Games venues and events is a further demonstration of our government's commitment to an inclusive Commonwealth Games.

Mining: Mount Egerton licences

Ms HADDEN (Ballarat) — My question is to the Minister for Aboriginal Affairs. I refer to the new mining and exploration licences recently granted to Mr Terry Delahunty and Tech-Sol Resources Pty Ltd over the entire township of Mount Egerton and beyond, including the Crown land recreation reserve and a sensitive water catchment area. Was the minister consulted before the licences were granted in relation to indigenous issues at Mount Egerton?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — No.

Supplementary question

Ms HADDEN (Ballarat) — At the Mount Egerton public meeting on 21 February last, a descendant of the Wathaurung traditional owners and the Ballarat Aboriginal and District Cooperative elders informed the government panel that this was the first time they had heard about this mining on country, that they had not been consulted and that the area is a significant Aboriginal cultural site. Given this, what action will the minister now take to ensure that the local indigenous

community is consulted before any works are undertaken in relation to both the mining and exploration licences at Mount Egerton?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — As the member yesterday demonstrated, she is well versed in the Victorian statutes. In fact she provided me with a bit of a lecture during debate yesterday.

Ms Hadden interjected.

Mr GAVIN JENNINGS — I acknowledged the member's grasp of Victorian statutes. In fact in this instance I hope she has a similar grasp of the relevant commonwealth statute.

Ms Hadden — You have the delegated power, Minister.

Mr GAVIN JENNINGS — It is important for the member to realise that if at any point there needs to be consent granted in relation to the issue of disturbance of any aspect of the environment concerned, at that point in respect of my responsibilities there may be a reference to me to make a determination in consultation with relevant Aboriginal groups. However, at this point in relation to an exploration licence that may or may not have any impact — —

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

Occupational health and safety: Comcare

Mr SOMYUREK (Eumemmerring) — My question is to the Minister for WorkCover and the TAC. Can the minister outline to the house how the Bracks government is protecting Victorian workers and small businesses from the federal government's interference in occupational health and safety?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Somyurek for his ongoing interest in occupational health and safety. In particular I thank him for his question on what the state government is doing to protect workers and small businesses from the ill-thought-out and simplistic policies of the commonwealth government. I use those terms deliberately.

Members will realise — certainly Mr Atkinson and Mr Forwood, who were at the launch last week of the WorkCover results week by Elana Rubin, the new chair of the Victorian WorkCover Authority, will realise — that our occupational health and safety authority, WorkCover, is a symbol for the rest of the country, and

I guess the rest of the country looks at it with admiration. We have a regime where premium rates are down, we are seeing injuries come down and we are seeing the most collaborative approach between employers and employees that exists anywhere in this country. That is happening in this state under an occupational health and safety regime that is working and delivering on the things that matter. At the same time we have the commonwealth minister, like Don Quixote, tilting at windmills on ideological issues, trying to unravel all of this, to change it. With this proposal does the commonwealth talk to the state of Victoria, our WorkCover authority or employer and union groups about why death rates, injuries and premiums are coming down? The answer is no, the commonwealth does not.

We get reams of letters from the commonwealth minister wanting to have these national schemes and unravel our WorkCover regime. Mr Atkinson should pay a lot of heed to this as the shadow minister for small business as well as WorkCover. The commonwealth's actions are twofold, which I think is insidious. It is putting pressure on small business premiums in this state by encouraging large businesses to exit the WorkCover scheme and go to the national Comcare scheme. The Comcare scheme is a commonwealth workcover scheme which, one, does not provide the same benefits to injured workers, and two, is designed for a white-collar public service regime. The commonwealth is bringing into a white-collar regime blue-collar workers, such as truck drivers who work for the Toll or Linfox groups. It is bringing blue-collar workers with serious occupational health and safety issues into a white-collar scheme.

What the commonwealth government does leaves a safety gap. If you are a truck driver under this state's occupational health and safety regime, you have a number of protections — for example, regarding noise — but under Comcare, because it has dealt with white-collar public servants, you would not. In Victoria the WorkCover regime has an occupational health and safety inspectorate that actually goes out and inspects workplaces, prosecutes when things are not happening and gives advice to make things work better. The commonwealth does not do these things — there is a minute and minuscule presence compared to what happens in this state.

The commonwealth is ignoring the experience of the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry, unions, government and the Victorian WorkCover Authority because it has an ideologically driven proposal that anything the states do must not be going well and

anything they can do, it can do better. I would have hoped that after 10 years the commonwealth government would have learnt and not have the Sydney-centric view of the world — the view that everything is centralised in Sydney and Canberra. It should come and learn something from the hard lessons of this state.

Mr Somyurek's electorate is based on many small businesses and manufacturing enterprises, and he knows more than most what the real world is like out there. I urge the commonwealth to look at and learn from Victoria as we learnt from many other jurisdictions. I urge the federal minister to look at this great state.

Major projects: government policy

Hon. A. P. OLEXANDER (Silvan) — I direct my question without notice to the Minister for Major Projects. The minister will be aware of the growing importance nationwide of the need to plan and initiate major infrastructure projects to meet the current and future needs of rapidly developing communities. I refer the minister to major projects and forward plans and funding models which have recently been released by the federal, Queensland and New South Wales governments and their examples of government responses to the need for a coordinated long-term vision for major projects for planning and funding. Will the minister outline for the house what approach his government in Victoria is taking with regard to planning and funding of major infrastructure projects?

Mr LENDERS (Minister for Major Projects) — I thank Mr Olexander for his question. Major infrastructure is a challenge for this government and this community. If I heard him correctly, he referred to the Queensland infrastructure plan of the Beattie government, and I think he also referred to New South Wales. Those issues, I guess, highlight how we need to get some sort of balance and the infrastructure mix right.

This government takes great pride, as I have said in the house before, in the fact that it has been spending \$2 billion a year on infrastructure as opposed to the Kennett government's less than \$1 billion, and that we have a pipeline into the future of \$2.5 billion per year. When we look at what New South Wales, the commonwealth and Queensland are doing, they all identify problems. We think we are actually leading the way. But in response to Mr Olexander, if we are looking at those types of areas it raises the question of what else can we learn from them and what are the models.

While I do not wish to be overly partisan about it, those opposite, through the shadow Treasurer, Mr Robert Clark, the member for Box Hill in the other place, or the Leader of the Opposition in the other place, Mr Robert Doyle, have recently brought out the \$30 billion infrastructure plan. While we welcome those opposite going down the road to Damascus — they ignored infrastructure, but now suddenly want to focus on it — I have taken some time to look at that plan. It is interesting to reflect upon it compared with what is happening in other jurisdictions.

Firstly, Mr Clark's plan is quite farcical from an organisational — —

Hon. Philip Davis — On a point of order, President, I am delighted to participate in a debate on infrastructure, but question time is for ministers to respond to questions about government administration and, as the minister well knows, not to make observations about any matters to do with the opposition.

Hon. A. P. Olexander — On the point of order, President, as you know and as has been recorded, my question specifically asked the minister to comment on the funding and planning models that were relevant to Victoria. I believe he is answering the question.

The PRESIDENT — Order! I will give the rulings in this house. Comments were made about the infrastructure policy of New South Wales, Queensland and the commonwealth government. The minister was responding with respect to the Victorian situation and made reference to some infrastructure initiatives put out by the opposition. The minister can use that in comparison, but not dwell on it. I ask him to continue his response to the question put to him.

Mr LENDERS — This government has built hospitals, not closed 12, like its predecessor did. This government has opened schools, rather than closing 300, like its predecessor did. This government has actually opened rail services, rather than closing 6 passenger services, like its predecessor did. As we go forward into how we build this infrastructure, we have done this through a balanced budget, investing \$2 billion a year plus into infrastructure.

We have taken some big hits on things like EastLink, which was a new, major road. We were prepared to make the hard decision about its funding so that we could have more infrastructure. Those opposite first opposed it, then supported it, and then half-supported, half-opposed it with a half-baked plan. I have listened with interest to what we have heard coming out of the

shadow cabinet of the blues between the Leader of the Opposition, Mr Doyle, and the member for Hawthorn in another place, Mr Baillieu, on how they go forward on this. If future governments do not provide adequately for infrastructure, if they go out there and promise they will cut this tax, cut that tax, improve this service, build this thing, and then have a \$30 billion no-tolls plan, what is going to happen is that more services and capital works will have to be cut. So it is valid to look at what other jurisdictions are doing. Queensland, New South Wales and the commonwealth had the courage to make the hard decisions, and so does this state. My colleague the Minister for Commonwealth Games says 'united by the moment'. I guess after the Doyle-Baillieu interchange, they were united for a moment — they put off the leadership challenge for a week!

Infrastructure is an incredibly important, ongoing thing for us. As a community we need to plan it into the future. Ideally we would have a bipartisan process on this. Anyone who wants to be in government in this state needs to work out what they are doing. All strength to Mr Baillieu's hand if what I have read in the paper is correct, because you need a longer term plan — you need to work out how you fund things, as well as how you spend things.

In response to Mr Olexander, this government has looked closely at what the other jurisdictions are doing — I think he mentioned three of them. It has looked closely at alternative plans for the state to see whether they would work or whether they are voodoo economics. From that we have gone forward with our own views. You need to make tough decisions. You cannot promise anything unless you want to slash services. Most of all, if this state is to go anywhere, we need a vision for our infrastructure to boost our economy and give jobs to our young people. That is the best way to live, work and raise a family.

Supplementary question

Hon. A. P. OLEXANDER (Silvan) — I thank the minister for a very fulsome answer to my question, despite the objections of the Leader of the Opposition to his answering it. However, I ask a supplementary question: will the minister outline the economic and social consequences for Victoria of ruling out any specific funding source for major projects and community infrastructure planning into the future — any source whatsoever?

Mr LENDERS (Minister for Major Projects) — Our government has had to make some very difficult decisions on how we will fund our infrastructure. We

had to balance being prudent financial managers and maintaining our AAA credit rating. Our Premier has established an absolutely specific set of criteria on tolls — for example, things such as, ‘Only if it is a major new project that could otherwise not be afforded by the state. Only if no existing roads are going to be tolled’ and a range of other things. Any prospective government that rules out everything and cannot balance the books does not deserve to be considered for government.

Consumer affairs: credit

Ms MIKAKOS (Jika Jika) — My question is to the Minister for Consumer Affairs. A Fairer Victoria demonstrates the Bracks government’s commitment to making Victoria a great place to live for all Victorians. One of the important initiatives in that statement was the consumer credit review, which the minister has spoken to the house about. Could the minister inform the house of progress in the review?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for her question, because I know she is concerned about the way in which credit is provided in Victoria, particularly to those who are most vulnerable. Credit is an important issue for Victorian families, as is the level of debt. The Bracks government is committed to cracking down on predatory financial practices that overwhelmingly target those who are most vulnerable in our community.

We also want to look at options for low-interest or alternative credit provision to those households in low-income areas and those who are most disadvantaged. This is an important issue, not just socially but also economically. In fact in Australia last year debt on credit cards alone was a staggering \$34.2 billion. Last year I asked James Merlino, the member for Monbulk in the other place, to lead a comprehensive review of credit laws, and I am pleased to report to the house that Mr Merlino’s report of the review was released today.

The report brings forward a range of options for the government to consider. Some of those proposed in the review are: prohibiting credit card companies from pre-approving credit card limit increases; requiring health warnings on credit card statements outlining the time it would take you to pay off your credit card debt by only paying the minimum monthly payment; stopping lenders from allowing consumers to go into negative equity under reverse mortgages; and increasing our powers to prosecute dodgy credit providers.

This review is now out for subsequent public response. These issues affect everybody. Everyone is affected by credit laws and how they operate and by the way credit is provided, so I ask members to let their constituents know that the review is out there and we are seeking their views in relation to the recommendations of that review.

I ask that time and opportunity be given to people to participate in that review through members informing them that they can get hold of the review and make a submission to us. I will then be releasing the government response, taking into account the recommendations of the review and the subsequent submissions from the community in relation to credit.

This is a very important issue to people in Victoria. Make no mistake: the level of debt is increasing, but more importantly the credit providers and what is on offer now have never been more diverse, and some of it is very dodgy. I am proud to say that the Bracks government is again showing that we are leading the nation in how we should look after our communities and how we should legislate. This reinforces the fact that Victoria is a great place to live and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1739, 3399, 4013, 4625, 4663, 5007, 5120, 5121, 5130, 5272, 5296, 5302, 5316, 5367, 5416, 5464, 5466–75, 5477–86, 5497, 5499, 5530, 5532, 5535, 5569, 5570, 5579, 5644–53, 5661, 5696–704, 5706–15, 5725, 5727, 5742, 5746, 5752, 5758, 5796, 5797, 5806, 5878, 5884–6, 5889, 5891, 5893–5, 5897, 5913, 5933, 5935–7, 5940–53, 5958, 5970–6, 5978, 5979, 6081, 6131–40, 6181, 6183–9, 6191, 6193–203, 6216, 6220–6, 6228, 6229, 6247, 6270, 6280, 6282, 6286, 6410–5, 6418–30, 6442, 6447, 6450, 6472, 6473, 6478, 6479, 6496–505, 6507–11, 6514–21, 6552, 6595–604, 6634, 6636, 6646, 6660, 6795, 6809–16, 6819–31, 6843, 6847–53, 6855, 6856, 6874, 6879, 6915, 7056–79, 7091, 7096, 7122, 7124, 7128, 7162, 7163, 7172, 7236–45, 7279, 7284–6, 7335–65.

CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL

Second reading

Debate resumed.

Hon. KAYE DARVENIZA (Melbourne West) — I am delighted to make a contribution to the debate on this important bill. Along with, I am sure, members in this chamber and members of the community generally, we want to see family violence cease. There is nothing more distressing than the act of family violence and the destructive effects that has on relationships, on individuals and particularly on children.

The bill ensures that those who are the victims of family violence will feel more able to come forward and to make complaints about the assaults that are happening to them, to their children or against their property. They will feel more comfortable that those complaints will first of all be taken seriously, and more importantly, that those complaints will be acted on. The bill gives additional powers so that the police are able to act on those complaints and allegations of family violence.

In the majority of cases of domestic violence it is the husband assaulting his partner or wife. Women are far and away the majority of victims of domestic assault. Children of relationships are also victims. More and more we see the destruction that these assaults can cause, and the bill will ensure that those who are the perpetrators will know that they face the consequences, that their actions will be taken seriously by the police and that action will be taken against them. Therefore it is a very good bill.

I am proud to be speaking on the bill and proud to be part of a government that is putting in place this kind of legislation to protect our community and particularly to protect women and children in our community. Recent statistics show that increasingly we are seeing homeless people who fall into the category of homeless families. A homeless family is predominantly made up of a woman with her children. More often than not families that find themselves in a homeless situation, families who have to flee their home, are fleeing because of the violence perpetrated against them in that home. The bill will give them confidence to call the police in the knowledge that their allegations and the situation will be taken seriously, and that has not always been the case in our community.

It is very unfortunate that it has not always been the case. Domestic violence and disputes between husband

and wife have often been seen as something that does happen out there, but as being something that belongs to the family, something that does not belong to the rest of the community. But attitudes have changed.

Legislation forces people to change their behaviour. Even if we cannot bring about a change of attitude in all circumstances, we can ensure that people are forced to change their behaviour, and if they do not change their behaviour they will be dealt with by the law and ultimately they could be prosecuted for those crimes.

Specifically the bill provides, through the police holding powers, further safety for those people who have allegedly had violence used against them by a family member. The bill amends the Crimes (Family Violence) Act of 1987 to create a holding power to be used by the police against a person who is allegedly being violent towards a family member. The police are able to intervene and apply for an intervention order on behalf of the aggrieved family member.

If the police believe on reasonable grounds that the holding power is necessary to ensure the safety of the aggrieved family member or to preserve their property, these holding powers can be used. The police can direct the individual to move away from the situation where the alleged violence has taken place; they can insist that the individual stay in that particular place and move the family away; or they can hold the individual in police cells if necessary. If the person refuses to comply with the directions given to them to stay where they are or to move on, the police officer may apprehend or detain the person, using force reasonably necessary to be able to do that. If the person escapes from the apprehension or detention, they may be subject to charges under the Summary Offences Act. The total period of detention for which a person can be held may not exceed 6 hours, or 10 hours in exceptional circumstances where an application has been made to the court.

While the purpose of the proposed legislation is really about helping to ensure safety for aggrieved family members, protections are provided for the person who is held, especially seeing as the holding power is a civil form of detention without criminal charge. A range of aspects ensure the safety and protection of the person that is being held. The holding power will not be able to be used to interview or question the person in regard to any criminal offence; the person who is being detained will have the usual rights regarding communicating with a friend or relative or taking legal advice; the powers will not prevent courts from hearing from the defendant in an intervention order complaint, so if the other party goes ahead and applies for an intervention order, the defendant can intervene and defend themselves; and the police will also be obliged to notify

the person who is being detained what the consequences are for them if they fail to comply with the orders.

This bill really builds on our government's commitment to strengthening families and ensuring that we have community safety on a whole range of fronts. It builds on a whole range of legislation we have brought before this Parliament. It has been widely consulted on, and the consultations we have had have informed it. It is a very good piece of legislation. It is about protecting families, particularly from violent situations, whether those involve violence against a spouse, a partner or children, or violence or threats relating to property. The bill protects those in our community who are very vulnerable — in these circumstances they are usually women and children. It is a good bill which deserves the support of all members of this chamber, and I commend it to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise in support of the Crimes (Family Violence) (Holding Powers) Bill. It is important to acknowledge that yesterday — I think it was yesterday — we had tabled in this house the report from which this bill emanated. While the bill followed the interim report on this issue, it is interesting to note that there are 153 recommendations in the final report, of which I am sure only a small number will come about as a result of the legislation we are debating in the house today.

I have to put on the record that family violence is something that has been around for many centuries. In fact dealing with it has been a task of police forces around the world for as long as police forces have existed in one form or another. The wheels of democracy have been grinding slowly in this area. The executive summary of the report says the criminal law has taken time to deal with the experience of violence and abuse within families. It talks about the growth in family violence. I do not think there has been growth in this sense, just more awareness.

I recall my days in Victoria Police and the dim, dark days of 1983, when I was a young constable going to my first domestic dispute. I was with an older senior constable, who I am sure was about 24, attending what we called a domestic. It was quite a heated domestic in Heidelberg West and our only option was to separate them. I recall, as a 19-year-old constable on my second or third day out in the divisional van, being told by the senior constable to go into one room with the woman and calm her down and that he would tell the male perpetrator exactly what he should be doing. In the many years I worked at Heidelberg West, Heidelberg,

Thomastown and Broadmeadows we attended an enormous number of domestic disputes.

In a previous speech I indicated that in its 2000–01 report the Domestic Violence and Incest Resource Centre said something like 21 600 family violence incidents were reported in that one financial year. I think from memory something like 22 000 intervention orders were applied for in that same period. When I recall that day in 1983 there is no doubt that we had no power whatsoever to force the male or the female to comply with what we deemed fit. That bluff is operating even today.

While we are debating this legislation, it has not been enacted. It is an important piece of legislation and it is disappointing that it has been sitting here since last year. During that time the police have continued to rely on bluff — the bluff to force a male or a female to leave a house. Apart from applying for intervention orders police have had no capacity to give directions in terms of moving perpetrators out of a domestic or family violence environment. I am very pleased to say that 23 years after I first encountered domestic violence, or family violence, as we now call it, we are about to give officers in Victoria Police the capacity to protect themselves in the execution of their duties.

Family violence is a very serious issue. There is no question that a lot of homicides result from family violence, from domestics. As I have said before, it is fascinating that a couple who can be so loving and caring can engage in a level of violence that results in murder, manslaughter or serious assault. Those who have ever been to a murder scene would understand not only the amount of trauma caused to the victim but also the environment that is created. This is always an emotional issue for people to deal with. It is often an environment people feel they cannot get out of. I know we will be able to talk about the Victorian Law Reform Commission report later on, but I am sure in its recommendations, which I have not had a chance to read as the report was tabled only yesterday and contains something like 450 pages of detail, it talks about some of the support services which are necessary.

Police work has a component of enforcement, of ensuring people comply with the law, but we often expect police officers to undertake some level of social work. That obviously occurs, but based, as I said before, on my experience in areas like Broadmeadows, I would say there is some toughening of the skin when you start to work in some of those environments where you are more of an enforcer than a social worker. You often got to the stage where you would attend that many domestic situations — from memory, from 12 to

20 in a night in the divisional van — that your sense of wanting to deal with issues like this with compassion went out the window. This was mainly because you were running from one job to the next to the next and in among all that you had other activities, such as apprehending offenders.

I think this bill is a good first step in dealing with some enhancement of the principal act. I note there is a call in the Victorian Law Reform Commission's report for the repeal of the act. Obviously the government and the opposition will need to look at whether that should be done. There is clearly a great need for enhancement. This principal act was established back in 1987, and while there has been some tinkering around the edges, there is no doubt that the community's expectation is that family violence is no longer tolerable and it will not be tolerated by either the community or the legislators elected to represent the community.

In closing, this is an important bill. As I said before, it gives great power to the police so they no longer have to play the bluff game. It allows the police to enhance their capacity to deal with family violence. It does not, in my view, extend to the need to provide some form of social work-type lead-in following the domestic dispute. It is important that we understand that violence in the family unit should never be condoned and that there are opportunities for people to resolve these situations. It is, has been and always will be an emotional environment with which people have to deal. I hope with this legislation we are at least moving in the right direction to remove some of the more insidious outcomes which result from not resolving some of the family violence issues, as I have already discussed.

Ms ROMANES (Melbourne) — I rise to make a few comments on the Crimes (Family Violence) (Holding Powers) Bill. I do so in response to some of the comments that have been made in the debate in the house today. Family violence, as most people in this chamber would know, takes a significant toll on the lives and wellbeing of many families in our community. In particular it takes a toll on the lives of women generally and children. The highest percentage of fatalities among younger women result from domestic violence. It is an important issue which members of Parliament and the government want to see addressed.

The Bracks government is serious about tackling this dreadful problem in our community. This bill is one of many measures the government has taken in a whole-of-government approach to tackling family and domestic violence over the past few years. The bill provides extra powers for police in a family violence

situation to hold and remove a perpetrator of violence to allow a cooling-off time and a period in which the violence can be halted while an intervention order is being sought or supports are being put in place for the victim of the family violence. It is an extremely serious problem. The government is taking it very seriously and has stepped up the resources to tackle family violence as part of the A Fairer Victoria package announced in 2005, committing \$35.1 million over four years to deliver a new, more integrated approach to family violence services.

Other speakers today have spoken about the extra courts, the specialist family courts at Heidelberg and Ballarat; the newly created services in the courts at Melbourne, Sunshine and Frankston, at which there will be dedicated support workers, prosecutors and magistrates with expertise and experience in this area to help those who are seeking redress from family violence; and the Victoria Police code of conduct, which gives very clear directions on the way the police are to handle domestic violence situations of the kind Mr Dalla-Riva was talking about, and it is making a big difference. Overall the government is looking at a range of other measures to tackle this problem in a coordinated and consistent way to improve the safety of women and children and change the behaviour of men who use violence. I want to commend the Minister for Housing, Ms Broad, who is coordinating this new approach to family violence and the concerted effort that the Bracks government is taking to get on top of this problem.

Mr Atkinson earlier in the debate raised the question of whether or not we were still just responding to crises in this area. The reason why I wanted to speak is so I could reassure Mr Atkinson that under the leadership of Minister Broad and others in the government and through the statewide steering committee on family violence the government is allocating this extra funding to put in place programs to deal with this issue, not just at the crisis points but on an ongoing basis to fundamentally tackle the causes and put in place the necessary support systems that will lead to a reduction in family violence in the future.

We have already had stage 1 of a \$28 million program, which was allocated through the Department of Human Services. Stage 1 provided funds for the additional services operating from December 2005 to June 2006, and over 40 agencies across the state in all DHS regions received funding during that stage. Submissions are open for stage 2 funding at this point in time. Stage 2 will provide funding in the areas of local leadership; service integration and planning; family violence outreach services; regional after-hours services, which

are so critical because a lot of family violence happens out of hours when offices are closed; links to the private rental market; women's and children's counselling and support programs; and men's behaviour change programs. The response to those submissions will be announced in May 2006, with funding for services to commence in July 2006.

Mr Atkinson said that this matter is not being used as a political football by his side of the house. That is something we in the government welcome. We welcome family violence being approached in a bipartisan manner, and I hope that is something supported by the opposition. The more we encourage women, in particular as they are the main victims, to stand up to the perpetrators of domestic violence the higher will be the number — and it already is higher — of reported assaults. Previously many assaults went unreported. It will mean that those statistics will go onto the crime, violence and assault lists. In fact we have seen the opposition playing politics with those figures and suggesting — even though there is a general reduction in crime throughout the state — that there has been an increase in violence when the numbers are attributable to a higher rate of reporting in the family violence area. Perhaps Mr Atkinson can take that issue into the party room and encourage a bipartisan approach to this area.

There have been references to the fact that the bill came into the lower house at the end of 2005 and accusations that the government did not follow through with the legislation for reasons of political convenience and that this has had an adverse impact on many families. I want to put on the record that the Department of Justice has worked closely with Victoria Police in developing this bill. While the government initially proposed that the bill take effect from 1 January 2006 Victoria Police indicated that it would not be in a position to implement the new powers until May 2006 at the very earliest. Contrary to what members of the opposition are saying in relation to the government's axing of the bill at the end of last year because of the Geelong sitting, the government's agreeing to change the default commencement date to 1 July 2006 was in response to Victoria Police's readiness.

Therefore debating the bill in February rather than in November 2005 has made no difference at all to the proposed starting date for these important new powers. With those words, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

INFRINGEMENTS BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Ms Broad.

**CRIMES (DOCUMENT DESTRUCTION)
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 Bracks government is strongly committed to ensuring that the integrity of the Victorian justice system is protected and enhanced.

It is essential that the processes of justice apply fairly and effectively to all Victorians involved in the justice system. It is also essential that the justice system delivers outcomes expected by the Victorian community. These important values reflect key principles which underpin the government's justice statement.

In introducing this bill, the government is taking decisive action to ensure that the rule of law continues to be upheld in Victoria.

Background

The bill responds to important issues that arose in the recent case of McCabe in the Victorian Court of Appeal.

The intentional destruction of documents to prevent their use in judicial proceedings can seriously undermine the fairness of such proceedings by removing the ability of courts to consider all relevant evidence.

The common-law offence of attempting to pervert the course of justice may cover some forms of this behaviour. However, the Victorian Court of Appeal made it clear in McCabe that such behaviour is not otherwise unlawful (unless it amounts to contempt of court).

It is essential to the rule of law that individuals and corporations cannot intentionally destroy documents to prevent their use in judicial proceedings with impunity.

The government is therefore introducing a new criminal offence that will make it clear that this sort of behaviour is unacceptable.

Previous reports

On 6 May 2003, the Victorian Parliament Law Reform Committee was provided with a general reference to review administration of justice offences.

In their administration of justice offences final report in June 2004, the committee recommended (amongst other things) that a specific offence of evidence destruction be enacted.

Following the decision in McCabe, on 6 November 2003, Crown Counsel, Professor Peter Sallmann, was also specifically asked to advise on the adequacy of current laws, procedures and practices relating to document destruction.

In his report on document destruction and civil litigation in Victoria in May 2004, Crown Counsel made the following recommendations for reform:

a new statutory offence to cover the destruction of documents to prevent their use in judicial proceedings; and

civil law recommendations to:

codify the powers of the courts to intervene in proceedings affected by the unavailability of documents (by way of a broad judicial discretion and amended rules of discovery); and

create a professional conduct rule to apply to legal practitioners when advising clients about document retention and destruction.

The bill acts upon the recommendation of the committee and the recommendation of Crown Counsel to create a new offence of destruction of documents to prevent their use in judicial proceedings.

Crown Counsel also made a number of more specific recommendations about the form of this offence. The new offence is consistent with these recommendations, although a different approach is taken for corporations.

Introducing the new offence will bring Victoria into line with the majority of other Australian jurisdictions, including the commonwealth, which all have similar offences.

New offence

In general terms, the offence will apply if a person:

knows that the document is, or is reasonably likely to be, required in evidence; and

- (i) destroys or conceals it; or
- (ii) authorises or permits another person to destroy it; and

does so with the intention of preventing it from being used in evidence.

The offence will apply where all of these elements of the offence can be proven by the prosecution. The offence will not apply to lawful forms of document destruction that do not involve the type of criminal misconduct covered by the offence.

For example, under the Public Records Act 1973, records can be destroyed in accordance with standards issued by the Keeper of Public Records. Record destruction practices in accordance with these standards that do not involve the criminal conduct targeted by the offence will be unaffected.

While the offence will not impact on appropriate document destruction practices, it will target criminal forms of document destruction which undermine the fair operation of the justice system.

The offence will apply to proceedings in progress and proceedings that are or may be instituted at a later time.

The maximum penalty for individuals will be five years imprisonment or a fine of 600 penalty units (currently \$62 886) or both.

Corporations

The new offence will also apply to corporations.

Many parties to litigation are corporations and often these corporations have significant financial and legal resources. Modern corporations have an obligation to ensure that their document management and retention policies are responsible.

The bill provides additional principles that indicate how the offence applies in the corporate context.

In general terms, the offence will apply if:

an employee, agent or officer of the corporation (an associate) knows that the document is, or is reasonably likely to be, required in evidence; and

- (i) an officer of the corporation destroys or conceals the document with intention to prevent use in evidence; or
- (ii) the corporation authorises or permits the destruction or concealment of the document with intention to prevent use in evidence.

Authorisation or permission could be provided by the corporation's board of directors or officers (unless the corporation exercised due diligence to prevent such authorisation or permission) or as a result of the corporation's 'corporate culture'.

'Corporate culture' will cover situations where corporate policies and processes provide implied authorisation or permission. For example, there may be situations where, despite the absence of formal policy documents, the reality was that non-compliance was expected.

The offence has been carefully drafted to recognise the structure of modern corporations and to cover a range of situations where a corporation should be held responsible.

For example, the corporation could be liable where:

all of the elements of the offence were committed by an officer of the corporation (e.g., a director);

some (but not all) of the elements of the offence were committed by the same associate(s) of the corporation (e.g., a director created the policy to prevent use in evidence and knew that the document would be required in litigation but gave it to an assistant to destroy); or

all of the elements of the offence were committed by different associates(s) of the corporation (e.g., the board of directors created the policy to prevent use in evidence and a manager knew that the document would be required in litigation but gave it to an assistant to destroy).

A number of alternative approaches could have been adopted for corporations. For example, Crown Counsel recommended creating a different offence for corporations based on gross (i.e., criminal) negligence.

However, the government considers that it is important that the same standards of responsibility and culpability apply to individuals and corporations. Individuals and corporations share a common duty to respect the rule of law.

The maximum penalty for corporations will be a fine of 3000 penalty units (currently \$314 430).

Complementary reforms

As part of the commitment to ensuring that the integrity of the Victorian justice system is protected and enhanced, the Bracks government will also implement Crown Counsel's recommendations concerning civil proceedings in all the Victorian courts.

The legislation will enable courts to intervene in proceedings affected by the unavailability of relevant documents, including when documents have been destroyed or removed in advance of legal proceedings.

The legislation will focus on whether the unavailability of relevant documents has made a fair trial impossible. This will complement the criminal offence which will address the unlawfulness of the conduct.

Although the courts currently enjoy some powers to deal with the unavailability of documents, the new legislation will clarify what the powers of the courts are and what the consequences might be for parties to litigation who make

relevant documents unavailable, whether those documents become unavailable pre or post-commencement of proceedings.

These statutory provisions will be developed in consultation with key stakeholders and will be introduced in the 2006 autumn session of Parliament.

It is anticipated that the commencement of legislation dealing with civil proceedings will coincide with the commencement of this bill.

Conclusion

The Crimes (Document Destruction) Bill underlines the government's continuing strong commitment to the rule of law in Victoria.

The new offence will form an important part of a package of complementary reforms to ensure that the rule of law is maintained and the integrity of the justice system is protected and enhanced.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) 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 main purpose of the bill is to amend the Gambling Regulation Act 2003, the Gambling Regulation (Further Amendment) Act 2004 and the Casino Control Act 1991 to enhance the regulatory role of the Victorian Commission for Gambling Regulation.

It is now almost two years since the Gambling Regulation Act 2003 commenced. That act introduced a comprehensive package of reforms in relation to the regulation of gambling in Victoria, including the establishment of the Victorian Commission for Gambling Regulation. The reforms introduced by that act reflected the government's desire to promote responsible gambling and to retain a stringent regulatory structure for the gambling industry.

The bill that is currently before the house will further improve the regulatory role of the Victorian Commission for Gambling Regulation and demonstrates the government's

ongoing commitment to achieving the objectives of the Gambling Regulation Act 2003.

The bill includes a number of provisions that will enhance the regulatory role of the commission and improve its administrative procedures. For example, the bill will:

enable the commission to attach conditions to an approval to amend a gaming venue operator's licence so that conditions can be attached to an approval to vary the number of gaming machines in the venue, to add or remove a venue from a venue operator's licence, or to vary the gaming machine area of an approved venue — at present only an application to vary the days or dates when 24-hour gaming is permitted can be made subject to conditions;

enable the commission to refuse an application for a trade promotion lottery if it is of the opinion that the conduct of the lottery is offensive or contrary to the public interest;

enable a bingo centre operator's licence that is subject to a valid application for renewal to remain in force until such time as the application has been determined by the commission;

clarify the requirements for the effective service of documents; and

consolidate the notification requirements applying to gaming industry employees.

The bill also ensures that the commission can adequately monitor declared community and charitable organisations to ensure that they remain entitled to that status. The Gambling Regulation Act 2003 enables a declared community and charitable organisation to undertake community and charitable gaming. It is important that the commission has the power to seek information from declared organisations and to undertake investigations in relation to them to ensure that only organisations that are entitled to that status remain declared. This is important to ensuring the integrity of charitable and community gaming.

The Gambling Regulation Act 2003 requires a venue operator to pay gaming machine winnings by cheque where the winnings are in excess of \$2000. The bill will improve the effectiveness of this problem gambling measure by prohibiting cheques for the payment of gaming machines winnings to be made payable to cash.

The bill also amends the Gambling Regulation (Further Amendment) Act 2004 to enable a commercial raffle organiser's licence that is subject to a valid application for renewal to remain in force until such time as the application has been determined by the commission. This amendment will provide consistency with the new renewal process for a bingo centre operator's licence once licensing of commercial raffle organisers commences.

In addition, the bill amends the Casino Control Act 1991:

to streamline the process for the approval of games for play in a casino;

to ensure that information about those games is readily accessible on the casino's web site; and

to remove job descriptions from the list of information that a casino operator is required to provide as part of its system of internal controls and accounting procedures that must be approved by the commission.

The proposals in the bill will benefit the community generally by improving the regulation of gambling by the commission and by improving the effectiveness of the government's responsible gambling measures.

I commend the bill to the house.

Debate adjourned for Hon. DAVID KOCH (Western) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

LIQUOR CONTROL REFORM (AMENDMENT) BILL

Second reading

Debate resumed from 28 February; motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. W. A. LOVELL (North Eastern) — It is a pleasure to rise today to speak on the Liquor Control Reform (Amendment) Bill, and in doing so I would like to thank the ministerial advisers and departmental staff for the briefing that was given to the opposition. In particular I would like to thank Sue McLellan, the director of liquor licensing, for attending and contributing to the briefing.

The major intention of this bill is to improve the regulatory framework to address antisocial and violent behaviour in and around licensed premises and to introduce a few minor amendments to the Liquor Control Reform Act 1998. The Liberal Party will be supporting this bill because we believe that protection of the community from unnecessary acts of violence and damage to property is of paramount importance. However, that is not to say that we do not have some concerns with this bill.

Our major concern with this bill is the lack of consultation with the industry. It shows just how arrogant this government has become when it believes it does not have to consult with major stakeholders on issues as important as some of those raised in this legislation. As an example of that I will read from a letter sent to the minister, the Honourable Marsha Thomson, by the Australian Hotels and Hospitality Association on behalf of the Australian Hotels Association (Victoria). The letter says in part:

Whilst we appreciate that the bill will lie over until the autumn 2006 session of Parliament, we are disappointed that

the bill was introduced with no consultation with the AHA (Vic) during its development and, to our understanding, no other liquor and licensed hospitality industry stakeholders.

It goes on further to say:

Whilst there are provisions in the bill which we support, we are concerned that as the bill has already been second read, there will be a marked reluctance on the government's part to vary the bill through house amendments to address what we believe are some significant shortcomings.

Certainly that has been the case. That letter was written on 4 January. When I spoke to the Australian Hotels Association in early February it had not even had a response from the minister, so there was no intention by the government to consult any further. The government brought in its bill and intended to put it through in the format in which it was introduced.

The failure of the government to consult on important legislation has proved that its claim to be open, accountable and transparent and to consult with the community is nothing more than government spin. It is important that there be consultation on legislation before it reaches the Parliament so that when it reaches Parliament it is in the correct format and will achieve its objectives.

The importance of consultation to get legislation right is highlighted in a letter that was sent to me by a friend who is a member of the Victorian police force. In that letter it was noted that:

... it must be remembered that the average police officer working on the street 24/7, [365 days] a year does not have a lot of summary powers to battle antisocial behaviour. The power to arrest for drunk or drunk and disorderly is an effective tool which police cannot afford to either lose or have made unworkable by legislative tinkering, by people who do not have [to] work the front line dealing with these people and trying to placate annoyed members of the public affected by antisocial behaviour.

That just highlights that those who work on the front line want to be involved in consultation. They want to ensure that when legislation gets to this house it is correct and is not going to interfere with their ability to carry out their day-to-day work. If the government continues along this path of not consulting with key stakeholders we will at some stage have legislation that will hinder the police or other associations in their line of work.

Unlike the government, the Liberal Party consulted widely. It consulted the Australian Hotels Association, and Clubs Victoria and various other associations involved in the liquor industry. It also consulted with municipalities that have problems of antisocial and violent behaviour in their areas, as well as with friends

and party members who are members of the Victoria Police and with the Municipal Association of Victoria.

One would expect that in addition to consulting with the community the government would take into consideration the findings of its own inner-city entertainment precinct task force, which is chaired by Mr Tony Lupton, the member for Prahran in the other place. Among the key issues identified for consideration by that task force the first is behaviour impacts on safety and amenity. It goes on to list other issues for consideration such as mixed use development, planning and licensing enforcement, licensed venue management, public and private transport, traffic management and parking, feelings of safety, and cultural influences. A lot of the findings of this task force would have been relevant to this legislation. Submissions to that task force, which was set up in 2003, closed last April, and we still have not seen a report on its findings. As I said, it may have been beneficial to consider some of the issues it identified before the government introduced this legislation.

I now turn to the main provisions of the bill. Clause 5 of the bill introduces the definition of intoxication into the act. It defines what constitutes a person in a state of intoxication for the purposes of the act and requires the director to issue guidelines containing information on how to determine whether a person is in a state of intoxication. Many industry stakeholders have said that the definition inserted into the act is ill-informed and inadequate. They have questioned the value of a definition when the director is required to issue guidelines for people to understand and interpret it.

Concerns have been raised by the Australian Hotels Association and also by the police. The Australian Hotels Association has said:

The definition of 'state of intoxication' proposed in the bill does not assist in identifying when a person ceases to be sober and enters a state of intoxication. The use of the term 'noticeably affected' adds minimal value for if the effect was not noticeable there would be no issue; however, if the effect was noticeable but marginal it would still be a matter to be determined by the evidence.

The concept of the director of liquor licensing issuing guidelines regarding how to determine if a person is in a state of intoxication appears to be problematic. It is doubtful that such guidelines could take account of the range of circumstances, environments and the real or potential harms that exist in every relevant case. As *Bourke's* notes —

and most people would understand that '*Bourke's*' is a reference to *Bourke's Liquor Laws* —

... 'the decision must rest on the evidence'. It is also uncertain as to the standing of such guidelines in any court proceedings.

To the extent that a definition is required in the act, a more useful approach is to link the behaviour of concern to the continued supply of liquor. As such, the definition submitted in *Bourke's* is in our view far preferable and workable ...

The definition given in an online version of *Bourke's*, which the AHA thought to be a better and more workable definition of intoxication, is:

A person is intoxicated within the meaning of the section when either his or her mental or bodily faculties are so far disturbed by the influence of liquor that an average reasonable person who is neither a licensee nor a prohibitionist would say that it was improper for that person to be supplied with more liquor.

The AHA has told me that the average person test is quite significant because in the current definition of intoxication there is no guideline as to when a person reaches a level of intoxication that causes concern. Intoxication actually starts at the moment you have your first sip of alcohol, but you would not say that a person is intoxicated. However, nothing in the current definition gives a guideline as to when a person enters that state of intoxication for the purposes of the act.

Two police officers have raised concerns about the definition of intoxication. One of them said:

I also believe that this definition should read as an 'or' definition so as to ensure that a person may only fit say two of the criteria and can still be found intoxicated.

It goes on to say:

Traditionally legal representatives make their money by arguing the circumstances of key definitions and how they are worded. Ensuring that the word 'or' is used as opposed to 'and' would ensure that if the person only met say two of the criteria they could still be found to be intoxicated.

Another friend of mine who is a police officer also raised a concern along the same lines, saying:

The other issue which has caused me concern in relation to the proposed legislation is the definition of intoxication. While it appears to be a fair and reasonable definition at first glance, I believe that this definition will cause a fair amount of grief when lawyers start drilling down to flesh out supposed causal factors as to why their clients were acting in a certain way.

What both of those police officers are saying is that because this definition is fairly narrow they feel that creative lawyers may be able to use it to prove that their client was not intoxicated.

Clause 6 of the bill exempts the assistant director of asset confiscation operations in the enforcement management division of the Department of Justice from the requirement to hold a liquor licence in order to sell by auction any liquor taken in execution or under a

warrant of distress or forfeited. Apparently at the moment the assistant director is required to have a liquor licence, and what the government is doing here is exempting the assistant director from that requirement under the act.

Clause 7 inserts new section 18B which provides that if the director imposes a condition on a licence requiring the licensed premises to be fitted with security cameras, the cameras must comply with any standards prescribed. It provides for regulations to prescribe standards relating to the quality and operation of security cameras. This is a good amendment because it is important that we have quality footage at venues where certain incidents may happen. I am sure that most members in this house will have heard about a recent incident in Shepparton. It was a very unfortunate incident in which a fight broke out in a venue and spilled out onto the street. During that fight a gentleman was stabbed and he died on the street in front of the venue. Footage taken by the security cameras of what actually happened outside the venue is very limited. The footage of the incident inside the venue is quite good, but once it spills out onto the street there is limited footage of that tragic event. This amendment will ensure that security cameras are of a high quality and will be able to capture the full event in another case like that.

Concern about this provision was raised by the Liquor Stores Association (LSV), and I ask the minister to clarify in her summing up whether liquor stores will be affected by this amendment. The association said in its letter:

This provision empowers the director to impose 'a condition on a licence requiring the licensed premises to which the licence relates to be fitted with security cameras'. Whilst the LSV understands the intent supposedly only applies to hot-spot nightclubs and on-premise hotels, there is no limitation which excludes a packaged liquor store from being roped into the provisions.

I would like the minister in her summing up to clarify whether this amendment may include liquor stores, or whether they will be exempted from having the higher-quality cameras that may be required at some of the hot-spot nightclubs.

Clause 8 provides that the director may grant a liquor licence or bring your own permit to a business, even though it may be in a prescribed class of business that is not to be licensed, provided that the director has the minister's approval to do so. I call this the 'video store' amendment because we all remember the video store that applied for a liquor licence and was able, through an appeal to the Victorian Civil and Administrative

Tribunal (VCAT) to get that licence. Section 22 of the Liquor Control Reform Act actually lists a whole range of businesses, including drive-in cinemas, petrol stations, milk bars, convenience stores and mixed businesses that cannot be licensed. Section 22(1)(d) reads:

premises in a class of premises prescribed for purposes of this section.

This is the section in which the minister is talking about giving the director the ability to grant a licence for a business that is covered by that section. I am told that currently there are no prescribed premises, but it is clear from this amendment that the minister intends to start prescribing some premises and also wants to give the director the ability to exempt someone from section 22(1)(d) if they are deemed to be appropriate to hold a licence. Unfortunately there is no criteria in the legislation to guide us as to what the decision will be based on. Section 22(1)(c) reads:

premises that, in the opinion of the Director, are used primarily as a milk bar, convenience store or mixed business ...

Section 22(2) gives the director, with the approval of the minister, the power to grant a licence if that business is in a tourist area or an area with special needs and there are no adequate existing facilities or arrangements for the supply of liquor in the area. So there are criteria set out for granting a liquor licence to businesses that are otherwise set out in the legislation as not to be licensed, but in the prescribed section we have no criteria. Again, we would like the minister in her summing up to clarify just what criteria will be used. The opposition would appreciate that.

Clause 9 inserts new division 7A of part 2, which is the main purpose of this bill — the ability to declare late-hour entry declarations. Late-hour entry declarations are commonly known as lockouts. New division 7A provides that the director may make a late-hour entry declaration for an area or locality and sets out what the declaration must specify, who the declaration applies to, that a licensee to which the declaration applies must not permit patrons to enter the premises during the hours in which the declaration applies, and the procedure for making a late-hour entry declaration and for revoking or varying that declaration.

Lockouts have been the subject of much talk in the media, especially in country Victoria. There have been several trials of lockouts in various areas. Some were successful and others were not. The lockout in Ballarat has been a tremendous success. I believe a lot of work was done within the Ballarat community by the police

and the licensees prior to the lockout being imposed that brought all the licensees onto a level playing field so that they all had the same hours of trading.

There was also a provision for hospitality staff to gain late entry into a venue, which would only be fair if they were working and then wanted to go out. I felt that was a very good inclusion in the Ballarat model, and it probably added in part to its success.

An article in the *Herald Sun* of 26 November 2004 reports on the Ballarat curfew, as it calls it — it is actually the Ballarat lockout. It says:

At first the curfew began at 2.00 a.m. before it was pushed back to 3.00 a.m.

The measures were introduced as part of a signed agreement among police, the local council and nightclubs after a 100 per cent surge in assaults at the city's licensed venues in 2002–03 and a 20 per cent increase in street assaults.

Since the curfew was adopted assaults have dropped by 39.85 per cent in central Ballarat in a year.

There was a 47.54 per cent fall in assaults in licensed premises and assaults in public places were down 33.33 per cent. Property damage offences also fell.

It can be seen from those figures that the Ballarat lockout has been a tremendous success, and it was even the recipient of a crime prevention award in 2003.

Warrnambool has also had success with its lockout, but in other areas, such as Bendigo and Echuca, the lockouts have not been so successful. I spoke to a friend who is a policeman in Echuca to find out why its lockout was not a success. He was very disappointed that it had failed after only one month. He said that in the time it was in existence the police had noticed a marked improvement in behaviour and a lower level of crime, but it did continue long enough for the police to create any statistics on how good it had been. The Echuca lockout failed because of the voluntary code of conduct and because two of the licensed venues pulled out when they felt they were losing money along the way. That is a shame.

An article headed 'Closing time' by Louise Kelly lists some of the reasons why lockouts may not succeed. She notes some of the concerns that were raised in Echuca. The article states:

Those against the mandatory lockouts argue that it causes:

job losses resulting from decreased trade

increased danger to people, in particular women, who are prevented from entering licensed premises for their own safety after 3.00 a.m. ...

She gives an example of a young woman who inadvertently goes out to have something to eat or a cigarette and on her return discovers that it is past 3.00 a.m. and she is not allowed back in. This may become more prevalent with the introduction of smoking bans. The list continues:

hospitality staff to have no option to have after-work drinks if their shift finishes at 3.00 a.m. or after

a restriction on a right for patrons to move between venues to see different live acts or try different establishments

the lockout may cause altercations where patrons are waiting in a queue to get into a venue, and get to the front of the line at any time past 3.00 a.m. and are refused entry.

Some of the concerns are raised in that article, but the Ballarat model is a good example of how some of those issues can be worked through, and how with cooperation and commonsense a lockout can be quite successful.

In my home town of Shepparton we have been going through terrible times recently, with quite a large spate of antisocial and violent behaviour in and around our nightclub precinct, and currently we have a community campaign running to stamp out such behaviour. The community stood up and said, 'Enough is enough, we will not put up with this anymore'.

In Shepparton there has always been a culture that you move between venues. This goes right back to the early 1980s when nightclubs first started in Shepparton. When you go out it has always been a thing to drift between venues. I lived through the time in Shepparton where we had nightclubs that closed at 11.00 p.m. — we used to go out at 7.00 p.m. in those days. When they put the licences back to 1.00 a.m. we started to go out at 9.00 p.m.; and when they put the licences back to 3.00 a.m. we started to go out at 11.00 p.m. Now that licences are until 5.00 a.m. people are not going out until midnight or later. The later these venues trade, the later young people go out.

Things have not changed in Shepparton in that people still drift between venues. Even a couple of weeks ago I went out with a group of girlfriends for a hens' night. We did the classic Shepparton thing — we drifted between venues. We went out for dinner. We then moved on to Flanagan's, which is an Irish bar; from there we moved on to the Aussie, which is a nightclub that has a 1.00 a.m. closing time. I left after the Aussie. I could not believe how out of place I felt in a place that I used to feel so much a part of. It was interesting to note just how the atmosphere in these places had

changed since the days when I used to frequent them. I left the group after the Aussie — they went on somewhere else, doing the typical Shepparton thing.

As a result of that night out and noticing that change in the atmosphere in the venues, I approached my local police officers and asked if I could go on patrol with them to observe the problems that they face due to antisocial behaviour in and around the nightclub venues. We did that last Friday night. I would like to thank Acting Sergeant Dean Williams and Senior Constable Alison Lewis for spending that time with me between midnight on Friday and 5 o'clock Saturday morning. It was a very interesting time. Things that we discussed were the lack of police numbers in the region, the recent violence in the nightclub precinct and possible strategies that the police may use to address those matters. We sat in the police station and talked until after midnight about all these things and then we went to observe the 1.00 a.m. closing at the Aussie and the drift of people from the Aussie to the Yahoo Bar, the Bullion Bar, the Fontana or even to Flanagan's. It was interesting to see them as they came out of the Aussie and started to drift off. Earlier in the night it was quite jovial behaviour. Yes, they were affected by alcohol, but they were quite jovial at that time of night. But as the night got later, the level of violence and the tension escalated. You could feel a different tension in the air in Shepparton. Certainly the later it got, the more violent that behaviour got.

It was a relatively quiet night on patrol. That in part was due to the fact that we had extra police patrols on Friday night because of the cancelling of leave due to the Commonwealth Games. We actually had more police on duty than we would normally have. It showed you that as soon as the police cars were present in the area, you heard people say, 'Look out, here's the police!' and behaviour improved as the police car came along. In fact one guy had decided he was going to urinate down the side of a lane near the Yahoo Bar. His mate was saying under his covered hand, 'Police, police, police!'. He did not realise that the police car had the window down; we could hear everything that they were saying. It was quite interesting to see the reaction when a police car does come along and how they try to improve their behaviour, even though they are affected by alcohol.

The worst incident that we were called to was an assault on a street corner outside a nightclub where a young man had been knocked out and had hit his head quite badly on the footpath and needed to be taken off to the Goulburn Valley Base Hospital for observation to check that he did not have concussion or any other further wounds. We were called to a house where a

neighbour had reported an incident at a party that was happening outside of this house. That was when I first saw the number of young kids who were walking around the streets of Shepparton at night. What really concerned me was the number of kids under the age of 14 who were out, wandering the streets.

I wondered if their parents knew where they were or what they were doing. The police seemed to know most of them by name, so they were obviously quite regular in their wandering of the streets.

The brazenness of these kids amazed me. While the police were standing on the footpath talking to the youths outside a house we had been called to by a neighbour who had reported a disturbance, a group of 14-year-olds walked straight through the middle of the police and this group of kids. They were so brazen it was just absolutely amazing. When we attended an assault on a street corner a couple who were obviously very inebriated came out of a venue and started to have a domestic on the other side of the road. The guy took his jumper off and threw it on the ground, and with that a different group of young kids came along and one of them stood on his jumper. He did this in front of a guy who was getting quite violent and in front of the police. It was very brazen.

I was also surprised by how tuned in the police were to what was happening. They would notice things that I did not notice happening. We happened to be driving past the end of the mall and Dean Williams said, 'I think that kid has got a blood nose'. We turned around and went into the mall, and there was a 14-year-old kid with a blood nose. He said it had just started to bleed and he did not know how it had happened. I was amazed at the confidence that child had in speaking to a police officer, and at his cockiness. Certainly at that age I would have been petrified had a police officer approached me in the street at any time of day, let alone at that time of night.

After the Aussie closed at 1 o'clock we drove around the block near it, and one of the really good things we observed was that it had sent its staff out to collect dropped bottles and anything on the street. I thought it was a tremendous initiative of that venue to clean up the surrounding area and make sure it was presentable for Saturday morning traders the next day. Those are things that hospitality venue staff do after hours, and part of the reason hospitality staff should be exempt when lockouts are imposed is because they are required to stay back and clean up their venues. They are still entitled to have a social life, and as their working environment may prevent them from doing that, it

would be nice to see an avenue for them to gain entry after lockouts are imposed.

Clause 10 of the bill inserts new sections 87A and 87B, which provide that licensees can apply to the Victorian Civil and Administrative Tribunal for review of the director's decision to make or vary a late-hour entry declaration and set a time limit of 28 days from the day on which the declaration is made or varied for a review of the application to be lodged.

Clause 12 provides that disqualification orders issued by the Liquor Licensing Commission under the Liquor Control Act 1987 continue to apply as if they were VCAT orders made under section 92 of the current act. We were told at the briefing that apparently there are 72 individuals disqualified from holding a liquor licence under the Liquor Control Act 1987, and that 24 of those orders extend for some time into the future, the last extending until 2018. This amendment ensures that these orders will still be enforceable as if they had been made by VCAT under the current act.

Clause 13 of the bill repeals section 37(b) of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004, which required applicants for new licences in a dry area to bear the cost of conducting a poll. This section had not yet been proclaimed, and the government has now decided it is not necessary for the applicant to bear the cost of conducting a poll. However, I would like the minister in her summing up to clarify who will be responsible for the cost of conducting such polls, whether they will be paid for by the state government or whether it will be another cost-shifting exercise and local government will have to pay. Where will the funds to cover the cost of conducting those polls come from?

In summing up I would like to say that, although there were some concerns with this bill, the Liberal Party recognised it as a measure to improve amenity and public safety by reducing antisocial and violent behaviour in and around venues with licences that permit extended trading hours, therefore we support the bill and wish it a speedy passage.

Hon. D. K. DRUM (North Western) — The Nationals also will not oppose the legislation. We take this opportunity to put our case as to how we see the Liquor Control Reform (Amendment) Bill. The Nationals share the concerns raised by the Honourable Wendy Lovell about lack of consultation. The letter from the Australian Hotels Association (AHA) from which she quoted was also sent to The Nationals. It was rather confusing to have members in the other place saying that the consultation process had been put in

place when we had a letter clearly stating that the Australian Hotels Association was not consulted in the development of the legislation. Although other legislation before this house has been formed harmoniously in a partnership with the government, the AHA and the whole industry, that has certainly not been the case with this bill. Not only was the association not consulted, it was unaware that any of the other major industry stakeholders and hospitality groups had had any input into the bill. That needs to be put on the record.

It is also rather strange in light of the enormous impact the hospitality industry has in this state. More than 1900 hotels throughout Victoria effectively employ in the vicinity of 80 000 people. Just the gaming business alone employs more than 12 000 people, generating enormous wealth not only for the sector but also for the government. Something in the vicinity of \$130 million-plus is generated for the Community Support Fund every year from gaming proceeds through the hotel scheme alone. That money comes straight out of hotels and into government coffers so it can then be spent on community projects.

Some projects which were previously funded as line items in the budget have now been sourced from the Community Support Fund — let alone the \$1 billion the Bracks Labor government takes straight out of electronic gaming machines (EGMs) as a 33 per cent tax on all profits that come from EGMs in hotels and clubs. The whole industry associated with liquor and hotels is a major player in many aspects of our economy, therefore the lack of consultation is staggering. We hope the government picks up its game so that when further legislation is proposed there is a greater level of consultation with the industry.

The purpose of the bill is to amend the Liquor Control Reform Act of 1998. The bill will define a state of intoxication for the purposes of that act, and it will also enable the director, with the approval the minister, to grant a licence or a BYO permit for a prescribed class of premises. That is pertinent to my area of Bendigo, where we recently had a furore over the refusal to grant a licence to the Happy Jack's premises at Lockwood South. That came up in question time last Tuesday.

The bill also sets minimum standards for security cameras at licensed premises and will enable the director to impose late-hour entry declarations on licensed premises areas and localities. Ms Lovell spent some considerable time talking about the effects of the lockout in and around Shepparton and also the Ballarat experience, which has been positive. I can also talk a little bit about the Bendigo experience of a lockout that

was put in place on a voluntary basis by several of the nightclub owners.

The act does not apply to the assistant director, asset confiscation operations, when selling by auction any liquor forfeited or taken under a warrant. One of the most contentious aspects of this bill is its definition of 'state of intoxication'. Clause 5 of the bill inserts new section 3AB, under the heading 'What is intoxication?'. Proposed section 3AB(1) states:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

It is quite long-winded, but still not very clear. It does not really clarify how a publican, licensee or member of the public is supposed to work out exactly what is 'a state of intoxication'. The bill also provides that the director will issue guidelines containing information about how to determine whether a person is in 'a state of intoxication'. This is a worrying aspect of this legislation.

As happens quite often in this place, we are being asked by the Labor government to determine our position on the legislation, only to have the details arrive at some later date. This is the most contentious aspect of this bill, yet the detail will follow later, when the director issues the guidelines to define 'a state of intoxication'.

One of the worrying aspects of this is that, for all intents and purposes, we already have what I think people would consider a recently strong definition in law of 'intoxication'. It is worth noting that Brian Bourke, a lawyer who in 1972 wrote a book on liquor laws, came up with a definition which says in part:

A person is intoxicated within the meaning of the section when either his mental or his bodily faculties are so far disturbed by the influence of liquor that an average man who is neither a publican nor a prohibitionist would say that it was improper for him to be supplied with more liquor.

That is a very clear and concise definition, leaning neither to this side of the prohibitionist who consumes no alcohol at all, nor to the side of the publican who is used to seeing people in 'a state of intoxication'. It excludes those two extremes and uses a greater mass of people for a definition which we can work through. I certainly agree with that definition, which seems reasonably clear. It makes you wonder why we are going through a long-winded process of trying to define 'state of intoxication' when we already have something that is quite clear. That is a bit of a worry.

No matter how that is received, the other worrying thing about this definition is that section 114 of the principal act says it is illegal for anybody to procure liquor for a person who is in a state of intoxication. While we understand that it is the responsibility of publicans and other people who have done a responsible service of alcohol course to look for and understand who is intoxicated, and to use their better judgment in making that decision, we also have to understand that under the law as it currently stands anybody who purchases alcohol for a friend sitting at a table is also being asked to make the same decision.

Ms Lovell talked about being out one night on a hens' night, when people will be buying drinks for whoever is celebrating the hens' or bucks' night or birthday party. Now everyone will be pressured into deciding whether the person they are purchasing drinks for is in a state of intoxication. In future we will need to be acutely aware of the detailed definition to be issued by the director. This is not just something that our publicans and licensees will have to get their heads around; it is something that everybody will have to be well and truly aware of as they go through normal social outings.

I would also like to talk about the lockout situation. The bill provides for late-hour entry declarations for licensed premises. This is a very important issue, and at the outset I state that I personally favour lockouts; I think they have been proven to work and they need to follow the line of the Ballarat experiment.

The Ballarat experiment was done very much in consultation with the police, with the industry and also with local government. If they were to lock out some people who wanted to roam from one establishment to another, then they had to make some concessions. They included extending the operating period of the licensed premises at other times to give a little bit back. That was certainly well received. They also allowed entry to hospitality workers who wanted to go out and have a drink after work, and also an exclusion for gaming areas. We cannot lose sight of the fact that all of this legislation is directed to address the issue of antisocial and violent behaviour. It is a real shame that whilst some of us go out and have a drink, and drink happy beer, that others go out and drink tired beer —

Hon. M. R. Thomson interjected.

Hon. D. K. DRUM — Happy beer tends to make you happy and tired beer tends to make you tired, but unfortunately some people drink very angry beer and all they effectively want to do is fight. It is very sad that again we have to pass legislation to address a small portion of the community because we are all aware of

those types of people who would act as model citizens in every aspect of their lives — except after they have had a skinful of alcohol.

It is a real shame that they want to start being aggressive and confrontational after they have had too much alcohol, and that we have to resort to a whole range of legislation just to try to limit the danger of and damage caused by people who become aggressive and want to start fighting after they have had alcohol.

The situation in my home city of Bendigo is that at 4 o'clock or 5 o'clock in the morning, when the final nightclub closes, some 200, 300 or 400 people all roam around the central business district (CBD) unable to find public transport, and antisocial and violent behaviour happens with the critical mass of people all trying to get home at the same time. Certainly the beauty of the lockout is that those people who want to vacate after 3 o'clock can head off home. If they want to vacate at half past three, quarter to four or any time right through the evening, they can drift off in 10s and 15s or 2s and 3s and we will not have this huge critical mass all attempting to vacate the CBD at the same time and heading up to the fast-food outlets.

Currently it is a real worry. The temporary voluntary lockout that was put in place in Bendigo was a success, but unfortunately the economic losses to the proprietors of the venues were such that they voted and opted to cease the lockout, and now people are free to leave one venue and walk next door or up the road and go into another venue right through until closing time. Much of the antisocial behaviour that was put on hold at the time of the lockout has returned, so I reinforce the fact that I support the lockout proposals, providing that they are imposed with extensive consultation and with the appropriate concessions and compensation that some of these venues will need in order to have a little come back their way if they are to set these measures in place.

The implementation of the minimum standards for the security cameras has been reasonably well received. We are concerned about the added cost for all the licensed premises, but again the security of the workers and the patrons is foremost in the minds of those who are implementing the legislation, and we tend to agree that this has to happen.

The Nationals do not oppose the legislation. We understand the director will have the ability, with the approval of the minister, to grant or not grant licences. Certainly that provision was messed up in relation to the Lockwood South application for the Happy Jack's venue that was knocked back two weeks ago. A liquor licence was refused for that venue, when the

overwhelming data surrounding the application pointed to the fact that it should have been granted. I expect the minister to go back and research why that recommendation was handed down in the way that it was and to look at future decisions to be made by the director. Hopefully that will not happen too often. In the event that it does happen, we would like to see an avenue of redress. At the moment, as the situation stands in this case, there is no course of redress.

Hon. M. R. Thomson — Yes there is, there's the Victorian Civil and Administrative Tribunal (VCAT).

Hon. D. K. DRUM — No, there is not, once you have signed it off. That is not the case. If you do not wish that issue to go anywhere else, that is apparently, as I understand it, where it will finish. In any case, if the minister is saying that every time an application is refused the applicant has to run up to VCAT without putting their case to the director or to the minister, then that is still not good enough.

I reiterate that we do not oppose the legislation. We do, however, wish that there had been a better mode of consultation with the industry and with the main stakeholders in the industry. We wish great care to be taken with the definition of 'state of intoxication', and we also wish the lockouts to be implemented in a manner that will not damage the economic viability of the nightclubs but will create the outcome of a safer community for people who happen to be out late at night.

Ms CARBINES (Geelong) — I am pleased this afternoon to speak in support of the Liquor Control Reform (Amendment) Bill, which seeks to improve the regulatory framework in our state in relation to the liquor industry. The liquor industry is really important to Victoria, and I am sure all members would agree that it provides many economic and social benefits to the state. However, we must make sure that every opportunity is taken to ensure that the community is protected from any adverse impacts that may arise from the inappropriate use of alcohol and the inappropriate operation of licensed venues.

I am sure all members have examples in their own electorates of issues and incidents that occur at nightclubs and licensed venues and cause concerns in townships. I heard Mr Drum talking about that in Bendigo. We certainly have our problems in Geelong with the behaviour of patrons who may or may not be intoxicated but who demonstrate antisocial behaviour on their way between venues and outside venues. This has at various times impacted very severely on our community, with vandalism, fights and generally

antisocial behaviour. I know that the police, in conjunction with the City of Greater Geelong and some of the venue operators, have tried very hard to control that behaviour. The Geelong Nightlife Association has drawn up a Geelong liquor accord, which it has been attempting to get venue operators and licensees to sign in relation to the operation of their venues. I congratulate those venue operators who have taken up this initiative, which is an attempt to tackle the very difficult issue of drunken and antisocial behaviour on the streets of Geelong.

This accord has been aimed at reducing alcohol-related violence, reducing under-age drinking, reducing antisocial behaviour, improving our city precinct, improving the safety of patrons in and around the venues, and improving the image of licensed venues around central Geelong. I think it has started to make a real difference. I know that a number of the licensees have really got involved enthusiastically and have entered into the spirit of it. Unfortunately there are other licensees who have not been prepared to get involved with the accord. That is a shame, because for the Geelong liquor accord to have any effect we need all licensees to be involved. It is a poor reflection on some of the licensees that they have not been prepared to get involved with the liquor accord, because if people believe they are going to get a cheaper drink at one venue than at others it is only natural that they will go to the cheaper venue.

Some venue operators in Geelong at times put on very cheap nights. They bus in students from Deakin University at no cost. Of course I was young once and would have really loved to have been on those buses going in from Deakin University, so I do not blame them. But the licensed operators and licensees of venues have an obligation to ensure that they are serving liquor responsibly and looking after the health and safety of their patrons and others who may be affected by their behaviour. I would like to see more of the licensed venues in Geelong get on board with the Geelong liquor accord.

The bill before us is designed to enhance patron and community safety. One of the real issues affecting community safety and amenity is the ability of patrons to leave one venue in the small hours of the morning and travel through the city, usually on foot, to another venue and gain entry there. Often it is on that journey between venues when antisocial behaviour is demonstrated. There may very well be vandalism, or fights can erupt and damage can be done to people and to the wider community.

This bill gives the director of liquor licensing the power to make, vary or revoke a late-hour entry declaration for an area or a locality. The director of liquor licensing can actually put some specific conditions pertaining to a particular venue onto this late-hour entry declaration, which is a really good thing. I know that some cities have trialled it; I think Ballarat has and maybe Bendigo has, in terms of the lockout. Geelong has not been prepared to go down that path, which I think is a real pity, because it seems to be working in other regional cities. Geelong has not wanted to go that far. As a parent of young people I think it would be worthwhile to trial it in Geelong, and that would be a really good step forward.

It is good that this bill actually empowers the director of liquor licensing to make late-entry provisions specifically in relation to certain premises. In this way the director can address issues that might arise as a result of drunk patrons leaving one venue and creating havoc on the way to the next venue. I think that is a very good thing.

The bill also provides for regulations to be made to set minimum reporting standards for the surveillance equipment in licensed venues. Unfortunately we know that there needs to be surveillance equipment. No-one likes the thought that we need to have that, but it is important, and it is important that there are minimum standards in place in relation to surveillance equipment — and the bill provides for that.

Very usefully the bill also defines intoxication:

... a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

That is a useful definition.

The bill also requires the minister to make a decision regarding whether a retailer may sell alcohol. The second-reading speech alludes to a video outlet that was seeking to sell alcohol. As a parent of young teenagers, I think that is a fairly difficult proposition. Under-age drinking is a huge problem across Victoria. We need to think very carefully about just where alcohol is on sale. This bill requires the minister to authorise a retailer to sell alcohol.

The bill will work to enhance the regulatory framework for our liquor industry. It strikes a very appropriate balance between the needs of the liquor industry — which is important to our state — and the need for community safety. I therefore wish it a speedy passage.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Rail: Gippsland line

Hon. P. R. HALL (Gippsland) — I wish to raise a matter for the attention of the Minister for Transport in the other place. It regards overcrowding of V/Line services on the Gippsland line. I have a letter from Jenni Orton of Nar Nar Goon regarding this particular matter. It is co-signed by 74 other regular travellers on this line. The belief of those signatories as expressed in this letter is that the overcrowding is caused by Met ticket-holders using the V/Line service between Pakenham and Flinders and Spencer streets stations. I need to point out to the house that Met services run as far as Pakenham on the Gippsland line and that the same line is also used by V/Line services, which run as far as Bairnsdale.

The letter that was sent to me by Jenni Orton was a copy of a letter to the Minister for Transport regarding this matter. I quote from the letter:

... why is this line the only one still allowing Met ticket-holders to use the service? Unfortunately for us we have a limited service and often of an evening there are no seats available until the train reaches Pakenham where up to 80 Met ticket-holders disembark. We pay a premium ticket price for a service that is overcrowded with Met ticket-holders. As V/Line ticket-holders we ask that the practice of allowing Met ticket-holders to use this V/Line service cease, bringing it in line with other V/Line services.

In the letter she went on to point out that there have been occasions when holders of V/Line tickets have had to sit in the luggage carriage of the train. She pointed out also that Met ticket-holders have a much wider range of services available to them. Every 15 minutes at peak times a train leaves Flinders Street or Spencer Street station to travel to Pakenham and yet many of those Met ticket-holders still wait and elect to hop onto the V/Line service, to the detriment of V/Line passengers, who are also concerned that, with the influx of travellers while the Commonwealth Games are on, the problem will get worse. They are some of the issues outlined in the letter to the Minister for Transport from my constituent Jenny Orton.

I am also aware that Met ticket-holders in Pakenham have some problems because of the unreliability of services. I know that many times a large number of people have been left waiting on the station for an overdue train.

My request to the minister is that he look into the overcrowding problem that is occurring on the V/Line service and to find a solution that meets the needs of both the Met passengers travelling to and from Melbourne and Pakenham and the V/Line customers travelling beyond Pakenham.

Commonwealth Games: floating fish

Ms CARBINES (Geelong) — As this is the last adjournment debate prior to the Melbourne 2006 Commonwealth Games, I raise a matter with the Minister for Commonwealth Games. It concerns the magnificent floating procession of fish which is to be used in the opening ceremony of the games. Over the past few weeks it has been wonderful to see on the Yarra River the 72 linked fish, ready and waiting to play their part in the opening ceremony. Each commonwealth nation has a representative fish in the procession, except Australia, which as the host nation has two.

The fish have provoked much interest in the community. I have received a number of inquiries about what will happen to them after the Commonwealth Games. Accordingly, I ask the minister to advise the house what he has planned for the fish, and especially whether there will be any opportunities for local communities to have them as a souvenir of the Melbourne 2006 Commonwealth Games.

Rail: Stony Point–Frankston line

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Transport in the other place in relation to the continuation of complaints I am receiving from my constituents about the Stony Point–Frankston train service operated by Connex. As recently as today a train service was cancelled, and a great deal of inconvenience was again visited on many of my constituents who are dependent on the Stony Point–Frankston train for their commute to work and other important social activities.

I quote from a newspaper report of 20 February which refers to the recent performance of that particular train service. It states:

Travellers on the line face their fair share of challenges ...

That is very true. It states further:

They're stuck with the suburban network's oldest train and train carriages, as well as some of its most basic stations.

That is an understatement if ever there was one. I am told with assurance that the locomotive is at least

50 years old and the train carriages are of the same vintage.

In January the train service had 27 cancellations; people depend on that commuter train. That performance just cannot continue. There are doubts about the line and serious doubts about the ability of the locomotive and carriages to perform their important task with safety and reliability. I am extremely concerned. I have raised my concerns about this service in the house previously, and the minister has kindly responded.

However, I would like to record that as much as I am deeply unhappy on behalf of my constituents about the unreliability of this service, the staff are excellent. The staff do a good job. They work hard, and they are well regarded by the community. It is a shame that the condition of the locomotive, the equipment and the carriages is so unsatisfactory and that the line is in need of major investigation and continual service and repair.

My request of the minister is that he urgently insist through the appropriate channels that Connex and the officers in the transport department take immediate and urgent action to replace the locomotive, provide better carriages and provide the level of safety, service and reliability the community expects. The performance of the Stony Point–Frankston line, with the equipment that is there now, is totally unsatisfactory.

Mitchell: councillors

Hon. R. G. MITCHELL (Central Highlands) — My adjournment item tonight is a request that the Minister for Local Government look into the situation facing the ratepayers of Mitchell shire and particularly the concerns of many ratepayers in relation to the governance issues surrounding the actions of a group of councillors. The new council was elected in November and has had more than its fair share of difficulties completing the items on council meeting agendas. In fact, the December marathon meeting went past midnight, and the January and February meetings also went late into the evening and could not complete their agendas. There have been three attempts to hold special meetings but unfortunately they have failed to attract quorums and have not resulted in the completion of the original December agenda.

One only has to look at some of the recent motions the councillors have put forward to see that the council is heading into an area which is of great concern to the ratepayers — —

Ms Hadden interjected.

Hon. R. G. MITCHELL — If we throw a stick, will you go away? Ratepayers are concerned about where their money is being spent.

Hon. D. McL. Davis — On a point of order, President, I think that language is offensive, and the member should withdraw it.

Honourable members interjecting.

The PRESIDENT — Order! Under the standing orders and practices of the house, if a member takes offence to something that is directed to them and they are in the chamber, it is their responsibility to take the appropriate action. If a comment is directed at a member who is not in the chamber, then a colleague may take that action. In this case Mr Davis's point of order is out of order.

Hon. R. G. MITCHELL — On 30 January council moved to not approve planning permit application P304340, which concerned an illuminated sign in Wallan. Despite council's qualified staff recommending that the permit be approved, councillors decided against it. That is their choice, but the scary part is that Cr Gordon moved the motion, which was seconded by Cr Allan, against the approval on some very slim grounds, including that council believes pokies should not be promoted. That is understandable, but in moving this motion Cr Gordon forgot to mention that he has been barred for life from the establishment of the applicant.

Just recently Cr Allan moved a motion, which was seconded by Cr Gordon, to give the Friends of Wallan Creek \$1500 to fund a community barbecue which, among other things, is being held to protest over the siting of the Wallan police station. This funding was given outside the council's budget and is not subject to any of the normal scrutiny of council funding. The councillors are both paid-up members of the Friends of Wallan Creek.

Those are just two of the incidents which have occurred recently that have many ratepayers worried. In fact, every single letter to the editor in this week's papers was written by someone protesting over the council's decisions.

Ms Hadden — They were probably written by you.

Hon. R. G. MITCHELL — For the member's information, three of them are paid-up members of the Liberal Party — just like her.

I ask the minister to investigate the actions of the council to see whether there have been any breaches of

the Local Government Act in relation to governance and ensure that these councillors do not financially disadvantage the ratepayers of Mitchell shire.

Police: south-west Victoria

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Police and Emergency Services in another place. It concerns police staffing levels in south-west Victoria, particularly in Terang. I raise this issue on behalf of the Terang Progress Association. At present police staffing levels at Terang are at 50 per cent of those required. That has been the case for at least the last six months, and it appears this situation will be ongoing.

It is of concern that staffing levels in neighbouring towns are also at crisis point. This totally eliminates any suggestion that nearby stations could cover the shortfalls. One week Terang is without police after hours except for Friday and Saturday nights, and the other week Cobden is without police after hours except for Friday and Saturday nights. Small towns in south-west Victoria have had their police presence dramatically reduced over time, which has led to residents feeling less secure, especially after dark. Also, many police in small country towns do not reside in their local communities.

The action I seek from the minister is that he investigate whether more incentives can be provided to encourage members of the police force to transfer to small country towns and live in their communities. Perhaps housing assistance could be provided and financial incentives implemented. There is no doubt there is a problem which needs to be addressed.

Moorooduc Highway–Bentons Road, Moorooduc: roundabout

Hon. J. G. HILTON (Western Port) — My adjournment matter is for the attention of the Minister for Transport in the other place. The matter concerns the intersection of Moorooduc Highway and Bentons Road in my electorate. One of the first constituent matters raised with me following my election to this place was raised by Ms Karen de Lange. Her daughter and other members of her family, including her father, had been involved in a three-car collision at the intersection, which has a history of serious accidents. Karen's father died three months later, and Karen believes it was as a result of the accident trauma.

I lobbied VicRoads, which subsequently modified the intersection by reducing the variety of turns available. That was done for a six-month trial period, and after the

trial it was determined that a permanent solution — a roundabout — was required. My request to the minister is that he inform me when construction work will commence on the roundabout.

Neighbourhood houses: funding

Hon. D. McL. DAVIS (East Yarra) — I raise a matter for the attention of the Minister for Local Government, Ms Broad. The matter relates to neighbourhood houses and local learning centres. I have been in close communication with the Association of Neighbourhood Houses and Learning Centres over recent months and have watched closely its development of a submission for the 2006–11 period for neighbourhood houses and learning centres. It is true that neighbourhood houses provide 85 per cent of Victoria's occasional care and 40 per cent of Victoria's adult learning. Clearly there is a need for a significant increase in funding. The submission the association has put to the government seeks \$84 million over the period 2006–11. That would go a significant way to strengthening the contribution that neighbourhood houses make and assuring their future viability.

Many of the neighbourhood houses I am familiar with run on very limited funding and do a great deal of good work in the community. I visited many in recent months so that I could get in close touch with the people in those neighbourhood houses and learning centres. However, as a former chairman of Central Western Metropolitan Region Adult Community Further Education, I am very aware of the role that neighbourhood houses play, and I believe that there is a case for the government to look very favourably at much of what has been put forward to it. It is very clear that, if we want to build social capital and community strength and ensure that the disadvantaged who are picked up by many neighbourhood houses are getting the support they deserve, it is imperative that neighbourhood houses and learning centres are supported and resourced properly.

In that context I ask the minister to take steps to address the underfunding of neighbourhood houses that the Bracks government has allowed to develop in the southern region, which runs from Kew through to Sandringham and between Albert Park and Oakleigh.

Hon. M. R. Thomson interjected.

Hon. D. McL. DAVIS — Absolutely, Minister! And I know that the minister will be advocating for important areas in her seat as she goes forward. I have no doubt that is likely to be the case.

The minister would not be surprised to hear that in many cases the neighbourhood houses and learning centres in my current seat and in the seat I seek to represent in another place in the next Parliament are struggling. This government has not provided sufficient resources, so I ask what steps the minister will take to address the underfunding of neighbourhood houses across the southern metropolitan region?

Transport: driver fatigue

Hon. KAYE DARVENIZA (Melbourne West) — I raise a matter for the attention of the Minister for WorkCover and the TAC, Mr Lenders. The matter I wish to raise concerns the health and safety of transport workers, particularly in relation to driver fatigue. We all know that, regardless of our occupation, regular exercise can prevent fatigue, and that is particularly true for long-haul drivers and other transport workers. Fatigue is one of the issues that affects truck drivers who work very long hours and often have very demanding schedules.

I would like from the minister information about what action or programs the minister or his department are initiating to improve awareness among transport workers that it is in the interests of their own good health to have regular health assessments. This is particularly important for the group of workers who are on the road all the time and often do not make it home in the evenings — they are on different trucking routes and stay in different places throughout the week.

Regular health assessments would enable medical conditions that might exist among those workers, such as diabetes, obesity, high blood pressure and fatigue, to be identified and appropriate actions and health care plans to be put in place so they can enjoy better health. This is very demanding work, and those workers deserve to have their occupational health and safety issues taken seriously and addressed by the WorkCover minister.

Schools: Bendigo

Hon. D. K. DRUM (North Western) — My adjournment matter this evening is for the Minister for Education and Training, and possibly the Minister for Education Services, in the other place, but I will address it to the education and training minister. I call on the minister to provide some data in relation to the new education plan proposed for Bendigo and the business case surrounding it.

The proposal that has been put forward by Ron Lake, the regional director of education for the Loddon

Campaspe-Mallee region, is one that I have been very supportive of. The proposal is to effectively turn the existing five schools, which currently go from years 7 to 10, into four schools. They are going to close one school and rebuild four others. There will be one brand-new school and two schools will be redesigned.

Effectively this will mean that when they open in 2007–08, schools that currently have in the vicinity of 600 to 700 students will move into the realm of having 1100, 1200 or 1300 students. That has caused an awful lot of concern for a lot of the parents, especially the parents on the Golden Square Secondary College council. They believe that number of students to be excessive and are wondering where the government gets these policies. They wonder what data is behind the Bracks government having a policy that will mean a new school will not be built until there is a critical mass of students around the 1100 mark.

I have seen the documents on the Bracks government's policies, but I would like the minister to supply me with the data and research that has led to this policy. I want the data that shows why a school of 700 students is better than one with 600 students, why 800 is better than 700, why 1000 is better than 800 and why it is deemed that 1100 students create a critical mass. Obviously there are some benefits from having a greater number of students, but when does it get to the stage where the schools are simply too big and the problems and negatives start to override the positives? I would like the minister to provide that information and both the international and interstate data.

It is important to have support from all the schools. It is interesting that all schools gave their support early this week, but effectively it was given not because they know it to be the best plan but because they did not want to waste this funding opportunity.

Sheep: mulesing

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Agriculture in the other place. I note that the Australian Democrats propose the introduction of legislation into the federal Parliament to, amongst other things, ban the practice of mulesing sheep, the penalty for which would include up to one year's imprisonment for anyone who undertook the practice.

I raise the issue with the minister because he has responsibility for the welfare of animals. Clearly it is well understood that the mulesing of sheep, Merino sheep in particular, is an essential animal welfare practice. That practice has been in common usage for

the last 50 years, and indeed it is a practice which is supported by the Royal Society for the Prevention of Cruelty to Animals and is properly codified as a code of practice under the Prevention of Cruelty to Animals Act.

Given that the Australian Democrats clearly are ignorant of this important animal husbandry practice and have clearly demonstrated that they are not interested in the welfare of animals in the sense of livestock sheep, which are necessarily at risk from fly strike and are best protected according to current knowledge by being subjected to mulesing, I would like the minister to advise me whether there have been any breaches of the code of practice for mulesing under the Prevention of Cruelty to Animals Act in the last five years.

This information is important for us to be able to understand why such an approach might be taken by the Australian Democrats — to outlaw a practice which is recognised by the Victorian government. I might say this is a matter which has not been contested by either side of the house over many years.

Country Fire Authority: enterprise bargaining agreement

Ms HADDEN (Ballarat) — My adjournment question for the attention of the Minister for Police and Emergency Services in the other place concerns Volunteer Fire Brigades Victoria, which represents the state's 58 000 unpaid volunteer firefighters. The organisation has advised me that its members are extremely angry at the prospect that the current bargaining agreement between the Country Fire Authority and the United Firefighters Union will be approved by the government and the CFA without any regard to its impact on unpaid volunteers.

In the last two enterprise bargaining agreements (EBAs) the CFA and the government have rolled over and met the union's demands, with detrimental impacts on the unpaid volunteers. These issues continue to impact on volunteers and appear to be continued in the current EBA. The volunteers tell me they are fed up that their interests continue to be ignored by the government and CFA in EBA negotiations.

There are 58 000 dedicated CFA volunteers in Victoria who provide an emergency service estimated to save the government some \$500 million per annum. Those volunteers will continue to be detrimentally impacted upon by an EBA drawn up by a union which represents approximately 400 CFA career firefighters.

During the recent January and February bushfires the CFA volunteers made an outstanding contribution, especially in the Gariwerd National Park in the Grampians region, and we are all very grateful for their sacrifices. Country Fire Authority volunteers deserve the respect and positive support of the Victorian government and the CFA.

One example is that the Ballarat watch station has directed the regional group officers of the CFA to go through the Ballarat station instead of continuing to be controlled by Vicfire directly in accordance with the volunteer charter. The volunteers say that such a direction will compromise rural Victoria and breaches the volunteer charter. Now Vicfire will have to telephone the union-controlled Ballarat watch station, which will then have to make a decision whether to phone and request CFA volunteers to attend. Volunteers are being frustrated and disadvantaged by the union tactics, and rural communities would be much better served with career firefighters being available to undertake operational duties and supporting volunteers. Another example which is having an adverse impact on volunteers and rural communities is that the union has delayed the introduction of equipment such as pumpers, tankers and road accident rescue vehicles.

I therefore request that the minister honour the 2001 volunteer charter signed by the Premier and his predecessor, which commits the government to consultation with the volunteers on issues which impact on them directly, and that he consult with the volunteers directly.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Peter Hall raised a matter for the Minister for Transport in the other place concerning overcrowding on the Gippsland line, which was raised by a letter received from Jenni Orton. It concerns Met ticket-holders using the V/Line train and asks the minister to look into ways of finding a solution for both Met and V/Line ticket-holders.

Ms Carbines raised a matter for the Minister for Commonwealth Games — and a very good question it was too — concerning the floating pontoons of fish that we see on the Yarra River and whether or not local communities will be able to obtain the fish after the Commonwealth Games as souvenirs. It is a very good question put by the member, and I will raise it with the minister on her behalf.

The Honourable Ron Bowden raised a matter with the Minister for Transport in the other place concerning the

Stony Point train line and the lack of service. I will pass that on to the minister.

The Honourable Robert Mitchell raised a matter for the Minister for Local Government concerning councillors at Mitchell shire and whether or not there had been any breaches of the Local Government Act in the performance of that council's duties.

The Honourable John Vogels raised a matter for the Minister for Police and Emergency Services in the other place, concerning police staffing levels, particularly at the Terang police station.

The Honourable Geoff Hilton raised a matter for the Minister for Transport in the other place concerning the Bentons Road–Moorooduc Highway intersection and the construction of a roundabout, wanting to know the timing of that construction commencing. I will pass that on.

The Honourable David Davis raised a matter for the Minister for Local Government concerning the funding of neighbourhood houses and learning centres, particularly in the southern region.

The Honourable Kaye Darveniza raised a matter with the Minister for WorkCover and the TAC concerning the health and safety of transport workers, particularly around driver fatigue and the importance of regular health checks and the need for WorkCover to promote that amongst the industry.

The Honourable Damian Drum raised a matter for the Minister for Education and Training in the other place concerning the data and research around the new education plan for Bendigo and the basis on which that was formed.

The Honourable Philip Davis raised a matter for the Minister for Agriculture in the other place concerning a motion to be put before the Parliament by the Australian Democrats in relation to the banning of the practice of mulesing and seeking any information on breaches of the practices that may have occurred in relation to mulesing here in Victoria so that the case could be understood.

Ms Hadden raised a matter for the Minister for Police and Emergency Services in the other place concerning consultation with volunteer fire brigade members over enterprise bargaining agreements.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 4.59 p.m. until Tuesday, 28 March.