

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 30 March 2006**

**(Extract from book 3)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://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 <sup>3</sup>	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 <sup>2</sup>	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 <sup>1</sup>	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

<sup>1</sup> Ind from 17 September 2004  
ALP from 10 November 2005

<sup>2</sup> Ind from 7 April 2005

<sup>3</sup> Ind Lib from 30 November 2005



# CONTENTS

THURSDAY, 30 MARCH 2006

BUSINESS OF THE HOUSE	
<i>Sound system</i> .....	1027
<i>Sessional orders</i> .....	1027
PETITIONS	
<i>Water: fluoridation</i> .....	1027
<i>Neighbourhood houses: funding</i> .....	1027
<i>Schools: public education</i> .....	1027
PAPERS .....	1027
MEMBERS STATEMENTS	
<i>Commonwealth Games: volunteers</i> .....	1028
<i>Commonwealth Games: benefits</i> .....	1028
<i>Industrial relations: WorkChoices</i> .....	1028, 1029
<i>Hazardous waste: Nowingi</i> .....	1028
<i>Latrobe: property damage claim</i> .....	1029
<i>Youth: Pakenham mobile service</i> .....	1029
<i>Dwyer's Sawmill</i> .....	1030
<i>Eastern Health: facilities</i> .....	1030
<i>National Centre for Hellenic Studies and         Research</i> .....	1030
<i>SheppART Festival, Shepparton</i> .....	1031
STATEMENTS ON REPORTS AND PAPERS	
<i>Justice: report 2004–05</i> .....	1031
<i>Parks Victoria: report 2004–05</i> .....	1032
<i>Library Board of Victoria: report 2004–05</i> .....	1033
<i>Royal Women's Hospital: report 2004–05</i> .....	1034
<i>Sustainability and Environment: code of         practice for fire management on public land</i> .....	1035
<i>Mount Hotham Alpine Resort Management         Board: report 2005</i> .....	1036
<i>Sustainability and Environment: report 2004–05</i> ....	1036
<i>Falls Creek Alpine Resort Management Board:         report 2005</i> .....	1037
<i>Treasury and Finance: report 2004–05</i> .....	1038
<i>Budget sector: mid-year financial report 2005–06</i> .....	1039
INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL	
<i>Second reading</i> .....	1039
INFRINGEMENTS BILL	
<i>Second reading</i> .....	1041
<i>Third reading</i> .....	1050
<i>Remaining stages</i> .....	1050
JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL	
<i>Second reading</i> .....	1050
<i>Committee</i> .....	1055
<i>Third reading</i> .....	1067
<i>Remaining stages</i> .....	1067
QUESTIONS WITHOUT NOTICE	
<i>Hazardous waste: Nowingi</i> .....	1058
<i>Minerals and petroleum: exploration</i> .....	1059
<i>Local government: campaign donations</i> .....	1060
<i>Gas: supply</i> .....	1061
<i>Liquor: Bendigo licence</i> .....	1061
<i>Information and communications technology:         health services</i> .....	1062
<i>Gas: Creswick supply</i> .....	1063
<i>Consumer affairs: rural and regional Victoria</i> .....	1064
<i>Environment: greenhouse gas emissions</i> .....	1065
<i>Housing: affordability</i> .....	1066
<i>Supplementary questions</i>	
<i>Hazardous waste: Nowingi</i> .....	1059
<i>Local government: campaign donations</i> .....	1060
<i>Liquor: Bendigo licence</i> .....	1062
<i>Gas: Creswick supply</i> .....	1064
SUSPENSION OF MEMBER .....	1066
QUESTIONS ON NOTICE	
<i>Answers</i> .....	1067
COMMONWEALTH GAMES: ACHIEVEMENTS.....	1067
PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL	
<i>Introduction and first reading</i> .....	1082
DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL	
<i>Introduction and first reading</i> .....	1082
DISABILITY BILL	
<i>Introduction and first reading</i> .....	1082
EDUCATION AND TRAINING REFORM BILL	
<i>Introduction and first reading</i> .....	1082
ADJOURNMENT	
<i>Water: Wimmera–Mallee pipeline</i> .....	1082
<i>Industrial relations: WorkChoices</i> .....	1083
<i>Baxter–Tooradin–Fultons–Hawkins roads,         Baxter: safety</i> .....	1083
<i>Crime Stoppers: funding</i> .....	1084
<i>Prisons: sexual offender program</i> .....	1084
<i>Hazardous waste: disposal</i> .....	1085
<i>Gaming: problem gambling</i> .....	1085
<i>Devilbend Reservoir: conservation reserve</i> .....	1086
<i>Rail: crossing signage</i> .....	1086
<i>Water: fluoridation</i> .....	1086
<i>Officer secondary college: funding</i> .....	1087
<i>Boating: Mallacoota ramp</i> .....	1088
<i>Schools: Bendigo</i> .....	1088
<i>Responses</i> .....	1089



**Thursday, 30 March 2006**

**The PRESIDENT (Hon. M. M. Gould) took the chair at 9.33 a.m. and read the prayer.**

**BUSINESS OF THE HOUSE****Sound system**

**The PRESIDENT** — Order! I wish to advise members about the difficulties we had yesterday with the sound system. Obviously it is now operational. The equipment will be rebuilt through Friday night and over the weekend and will be tested on Sunday ready for us to be sure of full capacity next week. It is operational, and Hansard is recording everything that is said in the house.

**PETITIONS****Water: fluoridation**

**Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Central Highlands and Grampians Wimmera Mallee regions, in view of current scientific doubts regarding its safety (55 signatures).**

**Laid on table.**

**Neighbourhood houses: funding**

**Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the state government commit to appropriate funding and resourcing for neighbourhood houses, so that both the hours of operation and programs offered, and the remuneration of neighbourhood house coordinators can be increased and expanded (69 signatures).**

*Honourable members interjecting.*

**Ms HADDEN** — On a point of order, President, it is my understanding that when petitions are being read in the house on behalf of citizens of this state, that is done without rude interjections from government members.

**The PRESIDENT** — Order! There is no point of order. That is not the case. The member will continue tabling her petition.

**Ms HADDEN** — Further on the point of order, President, are you then saying it is the case that when petitions are tabled in this house on behalf of the citizens of Victoria, the member presenting them is able to be heckled by this lunatic fringe on my left?

**The PRESIDENT** — Order! I have made my ruling. It is for me, not Ms Hadden, to control the house. I ask her to continue tabling the petition.

**Laid on table.**

**Schools: public education**

**Hon. KAYE DARVENIZA (Melbourne West) presented petition from certain citizens of Victoria requesting that any new education and training legislation should — (1) provide adequate public funding that is not restricted to ‘key learning areas’; (2) reject any proposed legal endorsement of compulsory fees or voluntary levies; (3) oppose corporate sponsorship and control by private interests; (4) ensure that public funding is not subject to or dependent upon private interests; and (5) ensure separate funding, administration and regulation of public schools from private schools (118 signatures).**

**Laid on table.**

**PAPERS****Laid on table by Clerk:**

Consumer Affairs Victoria — Report, 2004–05.

Ombudsman — Improving Responses to Allegations Involving Sexual Assault, March 2006.

Subordinate Legislation Act 1994 — Minister’s exemption certificate under section 9(6) in respect of Statutory Rule No. 24.

Surveillance Devices Act 1999 — Reports, 2005, from the Chief Commissioner of Police and the Secretary of the Department of Primary Industries (three papers).

**BUSINESS OF THE HOUSE****Sessional orders**

**Mr LENDERS (Minister for Finance)** — By leave, I move:

That sessional order 15 be suspended to the extent necessary to enable more than 15 members to speak on the motion ‘That the house do now adjourn’ this day.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Commonwealth Games: volunteers

**Hon. W. A. LOVELL** (North Eastern) — I wish to acknowledge the role that volunteers played in delivering the Commonwealth Games in Melbourne recently. An enormous effort was put in by thousands of volunteers from Victoria, who wanted to unite and present our wonderful state in a positive manner to visitors to Victoria.

It is always difficult when you have to handle large numbers in crowds. I must say that my dealings with volunteers were very positive. They were all very cheerful, very welcoming and very helpful. I was pleasantly surprised when I arrived at the swimming on the Sunday morning to be greeted by a volunteer from Shepparton, Liri Rustem. It was a wonderful opportunity for me to be able to acknowledge her efforts on the day.

I was also very pleased with the way the volunteers treated my father, who is on oxygen. Although he will not ask for special treatment, because he feels that is for the disabled and those who have less mobility than him, dad does have difficulty in getting around. The way the volunteers treated him was wonderful. They were on the lookout for those who needed special help, and he was transferred by buggy to and from the venue.

I especially acknowledge the biggest volunteer of them all, Ron Walker, who put in a tremendous effort and delivered a wonderful games in Victoria.

### Commonwealth Games: benefits

**Mr SOMYUREK** (Eumemmerring) — I rise to congratulate and commend everyone who had an input into the success of the Commonwealth Games — the organisers, the volunteers, the athletes and the tens of thousands of spectators who attended events. This was a clear demonstration to the world once again of why Melbourne has a reputation of being the sporting capital of the world.

Detractors of the games have made some valid comments about the games representing an anachronistic notion of the British commonwealth, and about the standard of the athletes not being first class, with top-class athletes from places like the United States of America, Europe and Eastern Europe not being represented. Notwithstanding the fact that we did not have a chance to showcase our magnificent state to some key markets in the world, no doubt we have impressed those parts of the world that have had

athletes competing in the games. We only hope people from those places will now decide to spend their tourism dollars visiting Victoria and seeing our great city first hand.

### Industrial relations: WorkChoices

**Mr SMITH** (Chelsea) — I rise to inform the house of my dismay at the public statements of the federal industrial relations minister, Mr Kevin Andrews, I read today. He now says he is willing to review the WorkChoices legislation if necessary. My question to my colleagues is this: is this the result of the criticism he has received from the H. R. Nicholls Society, which claims that his legislation is more draconian and worse than the situation in communist Russia, or is it accurately being suggested that he now senses he may have got it wrong after the horror stories that emerged across the country during the first two days we have had the new system?

Yesterday, for instance, 16 workers at an aged care facility in Morwell were sacked. They were told that they could reapply for their jobs the next day with significant reductions et cetera. My advice to those opposite is to get used to it, because every day from now until the next federal election there will be a horror story for them to stew on. The changes will drive the union movement up, and those opposite know it. I am not trying to suggest that we are not grateful, because we are, but we are bitter that so many working people and their families are paying the price for the ideology and hatred for workers of those on the other side. They will pay at the next federal election — mark my words.

### Hazardous waste: Nowingi

**Hon. B. W. BISHOP** (North Western) — In light of the controversial start to the panel hearings into the government's flawed proposal to place a toxic waste dump in pristine Mallee wilderness, miles from Melbourne, it has been revealed that the Bracks government is prepared to splurge taxpayers money on the legal argument in an effort to steamroll and bully the Sunraysia community.

The government has received over 1700 submissions which outline why this project should not proceed, and now it has released more supplementary reports, which many residents have not had the opportunity to even read. The unveiling of the large and expensive legal team the government is going to use has left our locals stunned. Obviously the government was never expecting the level of resistance to the project that our community has shown, and has therefore unleashed its

full legal capacity in an attempt to intimidate and force the community to submit to this flawed proposal.

To have this project arrogantly foisted upon us with scant regard for how we feel about it is one thing, but it is an act of total arrogance and aggression to attempt to hamstring the locals' fight with legal bills. If this government is fair dinkum about governing for all Victorians, it must offer assistance for our fight so that Mallee taxpayers are not forced to fund both sides, whether the result is their demise or their salvation.

I call on the Premier to immediately provide assistance to the Mildura Rural City Council so that the local community is able to fight fairly by matching the legal might that the government has thrown at us.

### **Industrial relations: WorkChoices**

**Hon. J. H. EREN** (Geelong) — We are only a few days into John Howard's new industrial relations regime and already havoc has set in. We have seen reports in the media showing businesses quickly ripping entitlements from their workers. Within a day, companies here in Victoria were sacking permanent workers and rehiring them the next day as casuals, therefore not having to provide them with the pay and conditions that Australians have fought for so hard over the past century. We also see companies playing hard ball with anti-union tactics, such as bugging private meetings between union representatives and their members. In one case a company in Port Melbourne appears to have sacked eight of its workers because of their connection to their union. It is just a disgrace.

The Liberals and Nationals should be ashamed that they brought in a system that is weighted so heavily towards companies, to the detriment of ordinary Victorians and their families. I was staggered to hear the workplace minister, Kevin Andrews, say that a boss could sack a worker because they did not like them. Why do we have laws prohibiting sex or racial or religious discrimination any more? Bosses can sack workers just because they do not like them! Maybe the boss did not like them because they were not prepared to work on Anzac Day, Christmas Day and every weekend without penalties. Maybe the boss did not like them because they were not prepared to work for slave wages. Maybe the boss did not like them because the workers wanted to be treated like human beings.

These are dark days for workers in Australia and when the election comes around I hope that they all remember that it is the Liberals and Nationals who are — —

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

### **Latrobe: property damage claim**

**Hon. P. R. HALL** (Gippsland) — Recently one of my constituents, Mrs Kaye Byl of Traralgon, tripped on a faulty section of footpath in the city of Traralgon and suffered some significant facial injuries and broke her prescription sunglasses. She made some inquiries with Latrobe City Council as to a possible reimbursement for property damage, in particular for her prescription glasses. She was told by way of letter from Latrobe city that its road management plan accords with the Victorian Road Management Act and that in particular section 110 of that act provides in part:

- (3) A road authority is not liable for property damages where the value of the damage is equal to or less than the threshold amount.

The threshold amount under the Road Management Act is \$1020. Because in this instance the property damage did not come near \$1020, Mrs Kaye Byl has no claim whatsoever for an accident which was no fault of hers. Most people would consider that a most unfair situation. My request this morning is that the government look into this as a matter of urgency and do what is necessary so that people who suffer some property damage in circumstances similar to those I have described can make a claim and have the cost of property damage reimbursed to them.

### **Youth: Pakenham mobile service**

**Hon. J. G. HILTON** (Western Port) — On Sunday I will be representing the Minister for Employment and Youth Affairs in launching the Uniting Care Connections mobile youth service in Pakenham. Next week is National Youth Week. The Victorian government, in partnership with VicHealth, has given more than \$150 000 to 64 organisations to stage events during the week. The launch of the Uniting Care Connections mobile youth service will follow the Yackaboo street parade in Pakenham. Grassmere-Cardinia Youth Services, as part of Uniting Care Connections, has been providing a range of services to young people for over 10 years.

Uniting Care Connections was successful in securing trust funds from the Lord Mayor's Charitable Fund and the Collier Trust to purchase a caravan as the starting point for developing a mobile youth service. The caravan has been modified to present a youth-friendly and distinctive appearance. The design of the caravan was developed by Cardinia Victorian certificate of applied learning students and painted with donated

paint by volunteer students of AirBrush Venturi. The caravan will be used to take programs, information about youth services and general support to young people in outlying areas of Cardinia shire.

I am very much looking forward to launching the mobile youth service and congratulate everyone who has been involved in this project.

### Dwyer's Sawmill

**Ms HADDEN** (Ballarat) — Shame on the Bracks Labor government and the Minister for Environment in the other place, John Thwaites, for turning their backs on sustainable timber harvesting in the Wombat State Forest. They have effectively shut down the Wombat community forest management process by sacking the community working groups and forcing Dwyer's Sawmill to close down. Dwyer's Sawmill has been a local family-owned and operated small business for four generations. The Labor government has forced its closure and the loss of six jobs. Minister Thwaites has starved Dwyer's Sawmill of its legal annual sawlog entitlement of 4900 cubic metres since its Our Forests Our Future election policy of 2002. Dwyer's Sawmill has persevered, despite the government's empty promises of logs to keep the mill operating.

The Daylesford and Wombat communities are grieving over the loss of their local mill, Dwyer's investment in award-winning kiln-drying equipment, local jobs and the economic flow-on benefits from value-added timber products to the district's businesses and the gross breach of trust by government. Mick Dwyer said it all in his letter to the editor of the local Daylesford *Advocate* on 15 March. It states:

Dwyer's Sawmill did not surrender.

It was ambushed and executed by a and non-caring government pandering to the insane whims of the lunatic fringe of the green movement.

...

It was unjustly starved out by the DSE —

the Department of Sustainability and Environment —

under the instruction of a faceless minister and his multitude of misguided and overpaid advisers.

...

The activity by the ill-informed and underperformed local MP —

the member for Ballarat East in the other place —

kept in the dark by his own party for fear of his infamous gaffes, will surely bear sour fruit at election time.

Will the last timber worker leaving the Wombat Forest please close the imported door behind them?

### Eastern Health: facilities

**Hon. H. E. BUCKINGHAM** (Koonung) — The Minister for Health in the other place, Bronwyn Pike, visited the outer east last week to see the commencement of work on the new Knox health care facility and announced the construction of a new day surgery unit at Angliss Hospital, both great initiatives to improve health care for my constituents. The new \$30 million Knox health care facility will provide 30 palliative care beds and 30 geriatric rehabilitation beds, as well as a community rehabilitation centre and the eastern palliative care team. The co-location of the eastern palliative care team will markedly improve the coordination between inpatient and home-based services. The centre will be completed by November 2007 and fully operational in early 2008. It will be a great addition to the health services in the outer east.

Minister Pike also visited the Angliss Hospital in Ferntree Gully to open new operating theatres and to announce the development of a \$1.3 million day surgery unit in the section formerly used as the emergency department. The new operating theatres include a new computerised tomography scanner and a surgical camera. The former emergency department will be transformed into a 20-bed recovery unit, which will complement the redeveloped operating suite. These works will help patients access elective surgery locally and more quickly, which is great news.

Angliss has also recently completed a 200-space car park, which the locals are really pleased about, and a \$4.3 million ambulatory rehabilitation centre is currently under construction. All these new and redeveloped services will provide patients with access to the best imaging, operating and rehabilitation services in the east.

### National Centre for Hellenic Studies and Research

**Ms MIKAKOS** (Jika Jika) — I am pleased to advise that philanthropy is alive and well in Victoria. On 11 February I attended the annual dinner dance of the National Centre for Hellenic Studies and Research. The centre aims to maintain and develop Greek language, culture and Hellenic civilisation. I am pleased to advise the house that, thanks to the generous donation of approximately \$1 million over five years by Dr Zisis Dardalis from the well-known company Marathon Foods, the centre will continue its work in promoting cultural and academic research. The

company has pledged to donate 0.5 per cent of its annual takings.

Unfortunately there is not an established tradition of business philanthropy in Australia, so this significant contribution to academic and cultural research is particularly worthy of note. To some degree this is due to the difficulty of not-for-profit charities and organisations obtaining tax deductibility status under federal taxation laws, which is something that I believe needs to be looked at.

The centre will provide an avenue for second and consecutive generations of Greek Australians with a valuable resource. Thousands of documents, photographs and records are stored at the centre's archives detailing the rich history of the Greek diaspora. Classes include Byzantine art, Greek language and geopolitical issues, such as the Cyprus issue. I encourage my colleagues to consider learning more about this centre.

I congratulate everyone at the centre and all at La Trobe University on their efforts and wish them all the best for the future. In particular I want to acknowledge the support of former vice-chancellor of La Trobe University, Professor Michael Osborne, for supporting the centre.

### **SheppART Festival, Shepparton**

**Hon. KAYE DARVENIZA** (Melbourne West) — I want to let the house know how delighted I was to attend a function in Shepparton on 2 March as part of the SheppART Festival. Shepparton Art Gallery put on a terrific exhibition of art by Kate Durham. Titled 'And everyone was an optimist', Durham's work was about the experience of refugees in detention camps; particularly the investigation of the sinking of the SIEV-X in October 2001 — an horrific event.

That tragedy occurred when a boat overloaded with some 400 asylum seekers — mostly women and children who were attempting to reunite with their husbands and fathers, who had protection as refugees here in Australia — sank, drowning 353 people. The artwork on exhibit depicted the people who died that night.

I congratulate the artist, Kate Durham, and the Shepparton Art Gallery for organising the festival and including this significant exhibition. It is important to tell the stories that help broaden the community's understanding of refugees' experiences.

## **STATEMENTS ON REPORTS AND PAPERS**

### **Justice: report 2004–05**

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I rise to make a contribution on the Department of Justice annual report 2004–05. I think many today would have been appalled to see on the front page of today's *Age* our major crime fighter in this state and our highest-ranking detective, Assistant Commissioner Simon Overland, being quoted on the disasters and organised crime the justice system is presently dealing with.

It is important to note in the report that the spin doctors of the Bracks Labor government are at it again. On page 13 it says, amongst other things, what it intends to do or what it has done. Under 'Key achievements' the report states the department has:

strengthened courts, Corrections Victoria and the Office of Public Prosecutions to manage a surge in major crime trials.

It also says it has:

written laws to combat organised crime and corruption in Victoria and supported the government to strengthen police powers through a range of new legislation.

I can tell the house of something that the government has failed to deliver to the people of Victoria — that is, through its inadequate capacity to deal with the criminal justice system and to understand the situation, it has consistently and continually had an overcrowded prison system.

**Ms Hadden** interjected.

**Hon. RICHARD DALLA-RIVA** — For those on the other side who do not appear to be listening and for those who are aware, I have consistently had my concerns placed on this house's notice paper. I have consistently given notice of motions that condemn the government for its ongoing failure to acknowledge and address the significant overcrowding of the Victorian prison system. I have said many times that the government has hidden the true situation and the correct numbers. It now does not report on the prison design capacity; it talks about 'operational design capacity'.

I have also continually had placed on the notice paper items highlighting problems associated with an overcrowded prison system. When a state has an overcrowded prison system, its government does not allow the correctional or criminal justice system to deal with the facts. The community has in it some nasty people who should be not on bail but locked up behind

bars, awaiting trial. That is the harsh reality of our society. Members need only look at today's *Age* to see exactly what some of the outcomes have been.

Alphonse Gangitano, who was shot dead in his Templestowe home, was on bail for affray. 'Mad' Charlie Hegyalji, shot dead in his front garden, was on bail for attempted murder. Mark Moran was shot dead, and he was on bail for firearms charges. Dino Dibra was shot dead and was on bail for attempted murder. These are not trivial offences for which they are on bail. A person charged with attempted murder should not be allowed to float freely around. Lewis Moran was shot dead at the Brunswick Club in 2004 and is on bail for drug trafficking. Terence Hodson, who was on bail for conspiracy to traffic drugs, was shot dead in my electorate of East Yarra, along with his wife, Christine, who in my view was an innocent person. Mario Condello, shot dead in his North Brighton home, was on bail for incitement to murder. Jason Moran, suspected of killing Alphonse Gangitano and later killed, was on bail.

The list goes on. This is a disgraceful outcome for the people of Victoria. The major crime fighter has to go against all the spin that is in this annual report. There is of course Tony Mokbel. I did not want to mention Mr Mokbel because in my view he is just one additional person in the entire system. He is just another person who was granted bail and has now gone — —

**Mr Lenders** — On a point of order, President, whilst I understand the general point Mr Dalla-Riva is seeking to make, he is referring to a large number of issues that are not in the report and to particular cases. I urge Mr Dalla-Riva to refer to the report, rather than embellishing it to cover a lot of other areas.

**Hon. RICHARD DALLA-RIVA** — On the point of order, President, I was actually referring to page 13 and then drawing reference back to the annual report, which the government made reference to. I believe I am within my rights to provide that as part of my statement.

**The PRESIDENT** — Order! On the point of order, it has been made very clear by previous rulings by my predecessor and me that when members are talking about statements on reports and papers, the debate is restricted to the report, statement or paper that is identified on the list. It is not appropriate to go beyond that. I just remind members of that. In part, the point of order of the minister is upheld. I remind members to speak within the reports, papers and statements that are on the notice paper.

**Hon. RICHARD DALLA-RIVA** — I should remind the minister to clean the wax out of his ears so he understands exactly what I started saying about the annual report. I was actually developing some arguments in terms of that. The government cannot handle the fact that it is just a lazy, incompetent government — —

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

### **Parks Victoria: report 2004–05**

**Hon. J. G. HILTON** (Western Port) — Unfortunately I will not be able to continue the pyrotechnics which we have just experienced, as my statement will be on the 2004–05 annual report of Parks Victoria.

The chief executive of Parks Victoria, Mark Stone, made a contribution to the report and acknowledged that the state budget for 2005–06 had included an additional \$103 million for the next six years for the management of parks and reserves. This additional funding will be used for a variety of purposes, including replacement and repair of ageing visitor facilities, an upgrade of sporting and community facilities at Albert Park Reserve, an expanded program of weed and pest animal control; and funds for the establishment and ongoing management of the Great Otway National Park, which I know is very close to the heart of my honourable friend Ms Carbines.

Parks Victoria in the last year has been involved in over 500 environmental projects. The majority of these were focused on pest plant and pest animal projects. Other work included the management of native animal populations, protecting threatened species, ecological farm management, grazing management and catchment and water management.

The invaluable work contributed by volunteers was again acknowledged in the annual report. Volunteers contributed over 155 000 hours towards a wide variety of park projects. One of the primary responsibilities of Parks Victoria is to care for the natural environment; Parks Victoria planned for and has commenced work on proposed additions to the Parks Victoria estate, including the creation of Point Nepean National Park, which, as members would be aware, is in my electorate of Western Port Province. Another objective of Parks Victoria is to ensure that visitors into our parks enjoy their visit and enthusiastically promote to their friends the visiting of national parks.

Specifically, Parks Victoria was involved in improvement works and planning for the 2006 Commonwealth Games —

**Hon. D. McL. Davis** — What are you going to do about Gunnamatta? You are talking about parks and that whole area down there, but you are pumping almost raw sewage down there.

**Hon. J. G. HILTON** — This includes the construction of a 6.5 kilometre elite mountain bike competition course at Lysterfield Lake park. Anyone who watched TV last week and saw the mountain bike event would understand how successful Parks Victoria has been.

I would also like to make some comment on Parks Victoria's work in protecting Victoria's cultural heritage. Parks Victoria manages the most extensive and diverse collection of cultural heritage places in Victoria including sites of indigenous culture, early settlement, coastal shipping, mining, natural treasures and historic sites. As the report says, protecting our shared heritage enables us to learn from the past and shape the future.

Specific examples of this work included the completion of the following: the heritage action plan for historic water supply scheme in the Grampians National Park; the heritage maintenance plans for the Bunyip State Park and the Point Nepean forts; and the completion of four indigenous cultural heritage architectural surveys, one of which was at Point Nepean.

Parks Victoria also commenced the construction of a \$1.6 million entry building at Brambuk, the national park and cultural centre at Halls Gap. This project was developed under a unique partnership with local indigenous groups and is the first stage in a project that will cost \$4.2 million and will significantly enhance the visitor experience. Given the nature of my electorate, I have had significant involvement with staff from Parks Victoria and have always been impressed by their commitment and enthusiasm for their responsibilities.

I totally reject the ongoing assertion by the Deputy Leader of the Opposition that Parks Victoria is the neighbour from hell. In fact the only neighbour from hell I can imagine is a member of the Liberal Party frontbench living next door! I believe Parks Victoria does an outstanding job in managing the natural resources of the state. I am happy to commend it for its excellent work and wish the staff and indeed the entire organisation every success in the future.

In response to Mr David Davis's interjection or comments about the Gunnamatta outfall — and

Mr Davis might like to listen to me! — I would like to say to him, 'Watch this space!' — although unfortunately he is not listening now.

### **Library Board of Victoria: report 2004–05**

**Hon. ANDREA COOTE** (Monash) — Today I have much pleasure in speaking on this report. I would like to speak about the stewardship issues listed on page 14 of the report and about specific notes of the stewardship of the collection.

In this reporting period, it is commendable and extraordinary that the State Library of Victoria has in fact preserved over 40 000 items. The diversity of these items is important for us to note. They include not just books, papers, music, children's information and art but a whole range of artefacts as well. I think the community does not understand the extent and depth of the library's collection. It is of vital importance that its collection is preserved properly so that future Victorians are able to access the material and to make sure this fragile material is properly cared for.

Many items are donated to the State Library of Victoria. Some of them will be of great value in the future and others may be valuable only to the people who donate them, but all of the collections have to be fumigated because if any mites or diseases get into them, members can imagine what could happen to the entire collection. That is a very important part of the collection process. I believe the conservation librarians do an excellent job.

However, one thing that this report speaks about that is interesting is the disaster response, which is a critical responsibility of preservation staff. They have attended a number of incidents at both the Swanston Street and offsite stores, which brings me to the Ballarat store at Ballarat University, where the campus is going to have a large new area of collection storage.

I have spoken at length in this chamber about the newspapers, but the concern I have today is about what is going to happen with the transfer of the very fragile glass photographic slides that are a particularly special part of the collection. We now have digital photography, and many people in the years to come will forget about those old reels of film that we used to have to put into cameras, but prior to the days of film, photographs were produced using glass slides. As you can imagine, it was a very fragile process. One would only have to smudge the glass and the image would be destroyed, yet the images themselves were very beautifully done. If members get a chance to have a look at the glass slides, they will see the technical

detail. I commend the people who used the slides on their skill.

I want to know what is to happen to those slides, to the photographs and to the recordings. Are they going to Ballarat? If so, how are they going to be stored? How are they going to be transported? Who is going to pack them? Will it be specialists or will students come in and pack them? Are they going to be properly and realistically transported? I would like to know when they are going to be available, because the packing and unpacking of these goods is going to be a considerable task, and I cannot find any time line for it in this report. What sort of guarantee is there that these items will be accessible without being put at risk after they are moved to Ballarat so that researchers can examine them — or listen to them in the case of recordings? This is an issue we have to look at. Do we have a guarantee that the photographs and recordings will be available or will they be placed even further away from those people who are currently trying to access and use them?

It is important to know the cost of retrieving these materials. Once they have gone to Ballarat and people want access to the glass slides, photographs or recordings, how much is it going to cost to retrieve them from Ballarat and get them back to the state library, and who will pay? Is this a cost that is going to become a line item in the annual report? We would like some transparency on this issue. It is important for us to understand exactly how this is going to operate, but there does not seem to be any information about that. I believe the people of Victoria would like some guarantee that these very fragile materials are not going to be at risk. For example, will people be wearing white gloves when they deal with these items and what sort of supervision is there going to be when people are loading and unloading this material for its journey between Ballarat and the state library in Swanston Street? I have some serious concerns, and I would like to have some guarantees about the safety of this very important collection.

### **Royal Women's Hospital: report 2004–05**

**Hon. H. E. BUCKINGHAM** (Koonung) — Since joining the board of Box Hill Hospital in 1994, I have had a long interest in health issues, so today I rise to make a contribution on the 2004–05 annual report of the Royal Women's Hospital that was tabled in Parliament on 16 November 2005. Whilst I remain interested in the health of both males and females, I have a closer interest in female health, as I chaired the committee on female health at Box Hill Hospital.

The Royal Women's Hospital was established in 1856 with the peculiar title of the Melbourne Lying-in Hospital and Infirmary for Diseases Peculiar to Women and Children. Since that time the Royal Women's Hospital has developed into Australia's largest specialist hospital dedicated to improving the health of women and newborn babies. It is an obstetric, gynaecological and neonatal paediatric hospital that provides both tertiary and specialist public primary health care.

The vision of the Royal Women's Hospital is to be the health service of choice for Victorian women through the provision of innovative, safe health care for women of all ages and cultures and newborn babies. This is achieved through the work of dedicated staff and management, with the support of the Victorian community and this government.

During the 2004–05 financial year the hospital provided an amazing 84 657 days of admitted patient care. The hospital cared for 300 000 women from 165 countries who spoke 60 different languages and followed 42 religious faiths. This is compared with 82 370 days of care in the previous financial year. The 2004–05 financial year also saw the highest number of births at the hospital — more than 5800 babies. The fact that more and more Victorian families are accessing the services of the Royal Women's demonstrates the fantastic services it provides to our community.

The Royal Women's Hospital is a major teaching hospital. I congratulate it on its holistic philosophy of health in both preventative and curative measures.

In 2004–05 the Royal Women's Hospital Foundation raised an astonishing \$1.3 million, including \$400 000 through the hospital's annual Mothers Day Appeal. It then dispersed \$824 000 to various activities at the Royal Women's, ranging from minor equipment purchases to major research projects. It is to be congratulated for this.

Through legislation passed in this Parliament the Royal Women's Hospital became an independent health service effective from 1 July 2004. Further highlights of the year include an award recognising the quality of care reporting, positive financial results from operations and — I am sure the Honourable David Davis will be interested in this — achievement of its patient access performance targets.

Another exciting development for the Royal Women's is the \$250 million redevelopment in Parkville that will begin in April 2005. This will begin a new and exciting era in health care for Victorian women. Opening in

mid-2008, the state-of-the-art building will provide women and newborn babies with the very best in world-class health — this government has an absolutely wonderful record in doing that — including access to the latest research and technologies. The new hospital is being built next to the Royal Melbourne Hospital, creating Victoria's largest health precinct and a centre of health and research excellence. I also hope to see the Peter MacCallum Cancer Institute co-located to that part of the world.

I congratulate the chair of the board of directors, Rhonda Galbally, board members, management and staff.

### **Sustainability and Environment: code of practice for fire management on public land**

**Hon. P. R. HALL** (Gippsland) — This morning I want to make some comments on the code of practice for fire management on public land, revision no. 1, which was tabled in Parliament on Tuesday this week. This is an important document. The introduction says:

1. This code of practice provides a framework for fire management procedure and practice on public land in Victoria, with appropriate links to private land.

The issue of fire management and fire prevention is a very important one. We are all well aware that wildfire in our state of Victoria is inevitable. For instance, in 2003 we saw some of the disastrous impacts of wildfire in Victoria when more than 1 million hectares of public land was burnt. Earlier this year we also saw some very significant wildfires taking place in the Grampians area of Victoria and the Moondarra area in Gippsland. So wildfire is inevitable, and it is important that we as a state and the department as a public land manager be well prepared to address the issue of wildfire when it arrives. This document sets out the framework by which the department is given the responsibility for fire management preparation and protection. It is a review of the 1995 code, as legislation requires that this code be reviewed every 10 years.

Some of the respondents who have been part of the review process have suggested to me that the review should have been undertaken by an organisation independent of government. The review was undertaken by the Department of Sustainability and Environment itself, and I know that it consulted widely and had regional meetings to review the code, some of which I was invited to. However, DSE did the revision, and many people have indicated to me that it would have been far better had it been done by an independent organisation.

Some important things are set out in the code, and I am not denying that they are important and necessary, but some things have been said to me in response to it about the lack of specifics in the outline in the code. I understand the limitations of a code, and that it cannot prescribe everything in detail. Nevertheless when people see a code of practice for fire management they look for definitive guidelines on how the department intends to apply certain procedures.

For example, the paragraph headed 'Seasonal limitations' simply describes the fact that:

Departmental instructions, prescriptions and guidelines which address the conduct of prescribed burning must accommodate seasonal variations (e.g. spring, late summer) which affect the conduct of prescribed burning.

There is a similar general statement about weather and fuel conditions.

It seems to me that this code of practice would be enhanced by being at least a little more specific about the season and weather conditions in which fuel-reduction burning could be undertaken. The code gives scope to be more specific in regard to that.

There is a similar issue with fuel breaks, which is another example of where the department could have been more specific in what it says. Under the paragraph headed 'Fuelbreaks' it says:

The department may designate strategic areas to be formed and maintained permanently as fuelbreaks.

Indeed there should be; some of our general membership in The Nationals would suggest that within every national park management plan there should be a defined fuel break around the park's perimeter to prevent wildfires spreading onto private land. The views on that vary widely. Some suggest a firebreak should be as narrow as 3 metres; others suggest it should be 3 kilometres. Somewhere in between is probably the right approach, but rather than the department disturb by ploughing the perimeter of private land in the event of fire so as to create a firebreak on that private land, as public land managers it should ensure that firebreaks are in place on the public land.

On perimeter controls, the department says that in a prescribed burning situation, the perimeters should be patrolled until the fire is secure. Of interest is the Wilson's Promontory fire, when the prescribed burn was undertaken successfully but the perimeter was left unpatrolled, which is when the fire got out of control. The issue of perimeter controls and long-term patrols of the perimeter is important.

The last thing I want to say about the report is that any code is only as good as the resources government is prepared to put in to make it effective. In respect of fire management, I still think a lot more resources should be allocated by the government to ensure Victoria has effective fire protection measures.

### **Mount Hotham Alpine Resort Management Board: report 2005**

**Ms CARBINES** (Geelong) — I am very pleased this morning to have the opportunity to speak about the Mount Hotham Alpine Resort Management Board annual report 2004–05. In Victoria we are very fortunate to have so many alpine areas, and Mount Hotham is a very fine example of them. I have to say at the start that having grown up in Manchester, England, and having seen urban snow which very often is dirty sludge, I am not a great lover of snow.

I do not spend much time at alpine resorts, but I totally acknowledge that the alpine resorts in Victoria are incredibly important to our regional and state economy. They give much pleasure to many Victorians and visitors from interstate who do not have the same natural environment we enjoy here; and of course they generate much economic opportunity for many of the small country towns that are situated in alpine areas.

Mount Hotham is a very fine example of an alpine resort in Victoria. I have holidayed at Bright and been up to Mount Buffalo but I cannot remember being to Mount Hotham.

I enjoyed reading the annual report, which is very detailed and interesting. It explains the history of Mount Hotham and the recreational sport of skiing in Victoria. I was interested to read that Victorians first turned their minds to using the state's alpine areas for recreation in the 1870s. From that time Victorians have enjoyed their recreational time in the alpine environment, particularly at Mount Hotham.

I read in the overview section of the report, under 'Mount Hotham — our history', that the first ski club at Mount Hotham was built in the 1940s. It does not seem a long time ago that the clubs and resorts were established at Mount Hotham — skiing is actually a very young sport in Victoria and obviously the idea of having resorts is quite a young one; it only dates back some 60 years. Mount Hotham has been considered as one of Victoria's premier snow resorts since the late 1940s.

I was interested to read the report of the board's chairman, Geoff Provis. I congratulate him for his

leadership of the board. I know he is considered to be doing an excellent job. In his report he articulated that visitor numbers at Mount Hotham in the period for which this report is relevant have been down, due to very average snow conditions. We all acknowledge that last ski season was not such a great one, and therefore, all our alpine resorts have not had the visitor numbers they would have liked. He explains that the number of visitors in the preceding two ski seasons was very high, so we can only hope for a very good ski season this year, with plenty of snow. But that is beyond the Bracks government's control!

I was very interested to read in the report also about the water trust project and that Mount Hotham is leading the way in the use and reuse of recycled water. It has received a significant government grant through the Victorian Water Trust to implement water reuse measures.

I notice that the report refers with some poignancy to the tragic aircraft accident at Hotham airport on 8 July 2005 in which Ryan and Cathy Ray and pilot Russell Lee died. Russell Lee was a constituent of mine and I had spent many hours talking with him about weed management and his worries about air pollution coming from a farm adjoining the airport at Ceres. I am very pleased to see that Russell has been soundly acknowledged by the chairman in his report.

### **Sustainability and Environment: report 2004–05**

**Hon. D. McL. DAVIS** (East Yarra) — My matter concerns the Department of Sustainability and Environment (DSE) report, 2004–05.

**Mr Lenders** — What happened to all those hospital boards you used to talk about?

**Hon. D. McL. DAVIS** — I would be happy to talk about them again and do from time to time in this house, but they usually relate to my own electorate, as Mr Lenders knows.

Today my matter concerns the annual report of the Department of Sustainability and Environment and in particular the management of the department with the slashing of 75 jobs. Various significant concerns have been expressed by the Community and Public Sector Union, mates of government members. I note a number of important points have been made including that by Karen Batt that:

Seventy-five real jobs are being abolished, including some on the lowest pay scales, while there are more executive officers and associated consultants and contractors in DSE now than in 1998 ...

DSE spending on executive salaries has increased over the same time in the order of 20 per cent.

I think the government has its priorities wrong. It is slashing the staff while increasing the number of executives.

It is my point today to bring to the house's attention one particular section of the department that is about to bear the blowtorch, and that is the land stewardship and biodiversity group which contains the historic places section. That is to lose a number of staff. I understand the historic places section is to be permanently disbanded, which is a serious concern.

**Hon. Richard Dalla-Riva** — It replaces the fat cats!

**Hon. D. McL. DAVIS** — I know it will replace some fat cats, as Mr Dalla-Riva says. With his scrutiny of government hat on, he is well aware of them. That is happening right across this government.

**Mr Lenders** — He lost that hat.

**Hon. D. McL. DAVIS** — No, he put that hat back on for that comment. I make the point that this is a very important group with strong links to community historical societies. It has a significant bank of knowledge about our industrial heritage and about a number of important issues through the various areas managed by the department.

I draw the house's attention to a letter I have in my possession from the Daylesford and District Historical Society directed to the Premier, the Honourable Steve Bracks, dated 4 February. It states in part:

We request that the section not be disbanded, that it continue with its important work, that it be adequately funded and that its relevance to day-to-day land management be accepted and imposed at planning and implementation level.

It makes the important point:

The section's responsibilities and strengths should not be confused with those of Heritage Victoria. The two organisations are complementary, with Heritage Victoria having overarching responsibility for heritage protection, particularly that of state significance, across public and private land, and the historic places section having the in-house DSE responsibility for heritage management on public land under DSE control.

That is a significant area of the state. Many national parks contain significant heritage areas and issues which need to be properly addressed as part of the management by the department. The letter goes on to say that the section was developed during the 1980s. The letter further states:

If the historic places section is dismantled, how will the department meet its goals for cultural heritage? Cultural heritage is of course a major 'outcome' for DSE between 2005 and 2006!

I make the point that the sacking of jobs in DSE comes at a time when the environmental significance of many government decisions is being scrutinised and the government needs the best advice in this area. It seems to me that the government has its priorities wrong in cutting specialists, scientists and others who can make an input in getting balanced and thoughtful decisions while increasing the number of executives.

I make the point that concerns have been expressed by the Royal Historical Society of Victoria and the National Trust of Australia. Both those organisations are concerned. I know many small historical societies around the state are also expressing severe misgivings about the government's direction. This government needs to take a good hard look at itself. Its priorities are wrong. It is potentially an act of vandalism to disband this section and to leave the Department of Sustainability and Environment without the proper capacity to report on these issues.

### **Falls Creek Alpine Resort Management Board: report 2005**

**Hon. KAYE DARVENIZA** (Melbourne West) — I am very pleased to have the opportunity to speak on the Falls Creek Alpine Resort Management Board report 2005 tabled recently. It is well worth taking a look at the report.

I congratulate the management board, chaired by Judy Ward with David Shaw, the deputy chair, and members Carol Stuart, Lynn Gibbs, Graham Irish and Jacques Merkus. I congratulate them not only on the work they have done at Falls Creek but also on an excellent report. I always look carefully at these reports tabled in Parliament and I have to say this is a terrific report not just generally speaking but for Falls Creek as well. It is a very clear and easy to read report with fantastic photos of a part of Victoria that we are all very proud of and that I am pleased to visit.

Some of the highlights outlined in the report over the last 12 months include the funding commitment that the management board has been involved in regarding the sealing of the Bogong High Plains Road and the creation of the vital tourist link; the selection of the developer for the Falls Creek Village Plaza, which is a big project and will deliver important new facilities for the community and guests in what is a key precinct in the Falls Creek Village. During the last 12 months the management board received accreditation by Green

Globe 21 — an international certification program for ecologically and socially sustainable tourism. That is a terrific achievement by the management board. There was a further increase of 2 per cent in the number of visitors during the winter period of the 2005 reporting period, which continues to build on the growth seen over the past two years. There has been significant growth in the number of visitors making their way up there during that period.

The board of management reported that one of the highlights has been the successful bid for Victorian government funding of \$3.1 million under the Regional Infrastructure Development Fund for an all seasons gateway project. That was approved by the state government through the fund in November 2005.

One of the other things highlighted in the report is the improved guest satisfaction rating and the accolades received by Falls Creek ski lifts relating to performance and reliability, service, snowmaking, grooming and the range of products and quality of the events run at Falls Creek. There is no doubt that one of the best ways to find out what people think of what you are doing and how well you are doing it is to ask them for their views. It is great to see that involvement in these guest satisfaction ratings. There has been considerable investment at Falls Creek, with major new grooming equipment, snow-making infrastructure and ski fields planning, and — —

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

### **Treasury and Finance: report 2004–05**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I wish to make a statement on the annual report of the Department of Treasury and Finance for 2004–05. I start by placing on record the support that the secretary of the department, Ian Little, enjoys from this side of the house. Mr Little has been secretary of the department since 1998. He was appointed by Alan Stockdale and Roger Hallam in their respective roles as Treasurer and Minister for Finance, and he has performed that role over that period with great aplomb. He continues to enjoy the support and confidence of members on this side.

The report outlines some of the key achievements of the department and the key issues undertaken in 2004–05. I would like to touch on a couple of those, the first being the adoption of the Australian version of the international financial reporting standards. That is probably the single largest change to reporting standards undertaken by the Victorian government

since the introduction of accrual accounting in the late 1990s. It was an initiative of the previous government to move from cash accounting to accrual accounting. A lot of the work in transferring the Victorian government from cash to accrual accounting was done under the leadership of Roger Hallam in, I think, 1997–98. That provided a much more accurate picture of the state of the budget and the general finances of the state than the previous cash accounting had done.

Of course one of the shortcomings of transferring from cash to accrual accounting was the lack of long-term comparability between the current year and previous years. Although some accounts were produced to allow for a degree of comparability with previous years, obviously the long-term series were not possible. It is the same this year with the adoption of the Australian international financial reporting standards. While I commend the department on being one of the first departments in Australia to adopt these standards, we certainly hope that we will now have some stability in the reporting framework used by government so that historic comparisons will be possible.

One of the other issues that the department notes as an achievement is the delivery of the state budget last May. It is interesting to note that this was the budget that was leaked to David Broadbent at Channel 9. The annual report makes some comment about the investigation undertaken by PricewaterhouseCoopers.

**Hon. Andrea Coote** — Is it true it was leaked by the Treasurer?

**Hon. G. K. RICH-PHILLIPS** — It is interesting that the Deputy Leader of the Opposition asks if it is true it was leaked by the Treasurer, because the annual report refers to the PricewaterhouseCoopers report, which is on the department's web site. Although I give credit to PricewaterhouseCoopers for the forensic work it did — it is extraordinary to read the detail it went into — the report is very circumspect in its comments about where the leak came from. While there was an interview with the Treasurer's office and the Premier's office, apparently there was no interview with the office of the Minister for Finance. That is quite extraordinary. The fact that so many resources were committed to this indicates just how much the Treasurer had his nose out of joint.

Another area that the department picks up on is the issue of commonwealth-state financial relations and the imbalance between states, particularly with the New South Wales and Victoria contributing subsidies to Queensland, Western Australia, South Australia, Tasmania and the Northern Territory, and a minor

subsidy to the Australian Capital Territory. This is an area in which I believe the states have a unique opportunity. Certainly we would like to see this area rebalanced, and having state Labor governments in all states and territories provides a unique opportunity for the individual states to reach agreement on readdressing the balance. While we can talk about it, it would be good to see some action from the states and territories, while they all have Labor governments, to address this important issue and ensure that in the future Victoria gets a more equitable share of revenue. Although evidence is provided that the imbalance is on a per capita basis, I do not think we can argue that Victoria should simply get a per capita allocation of revenue, because you could then extend that to local government and say that the local government area should get revenue on a that basis.

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

### **Budget sector: mid-year financial report 2005–06**

**Hon. C. A. STRONG** (Higinbotham) — I rise to speak on the 2005–06 mid-year financial report, which is a half-yearly report of the corporation of Victoria, as it were. It shows the obscene level of taxation that this government is pulling out of the Victorian economy while failing to give any of it back in tax breaks. If members look at land tax, which is one of the most terrible taxes we have at the moment, they will see that it brings in about \$1 billion, and if they listen to the figures I am about to read out, they will understand why it is obscene and why the government does not give Victorians tax breaks.

The highlights at page 1 show a profit for the government sector, not the full corporation of Victoria, of almost \$1.8 billion in the first half of the year, so why can't the government give something back in land tax relief? The report goes on in the same overview to say that the higher than expected result for the year to date is because of a higher than expected level of income received from dividends and public utilities.

I turned to some of the detailed tables at page 20 to see where this increased revenue came from, given that the summary indicates it came from investment revenues. Interestingly if you compare the result for 2005 with the result for the same half year in 2004, you see that investment revenues have increased by \$86 million but that general taxation increased by \$1.16 billion, so the increase in investments is swamped by the increase in taxation. The schedule at page 23 shows the cash flows coming into the state. When you compare the first six months of 2005 with the first six months of this year

you see that the cash flow coming into the state increased by \$2 billion. These are obscene amounts of money that are being ripped out of this community.

What does this mean for the full year? The annual report shows that last year Victoria made a staggering \$3.96 billion surplus, or profit — almost \$4 billion profit. It took that much more money out of Victoria than it needed to. The year before it was a huge \$3.7 billion. When you go back to last year you find that it took \$2263 more out of the Victorian community per family than it had to. It is a disgrace that the government keeps taking the money out and not giving any back in tax deductions. When I talk about these obscene increases in tax, people ask me, 'What have we got for it? Have waiting lists reduced?', and the answer is no. They ask, 'Is education better?', and clearly it is not. They ask, 'Is public transport working better?', and it is not. They ask, 'Has law and order improved and do people feel safer?', and the answer to that is always no. People are more concerned with law and order than they used to be.

So it is about time that this government, which is raking in huge amounts of money, as shown in this half-year financial report, gave some of that money back. As I said, the report shows a surplus for the inner-government sector, but if we look at Victoria as a whole we see that the surplus for the first six months is \$1.9 billion. Clearly for the full 12 months we will be looking at a surplus equal to or greater than last year's surplus of almost \$4 billion. The first priority for giving some of it back should be in land tax because with land tax at \$1 billion that would use barely one-quarter of the \$4 billion. So let us have some money back from the obscene amounts that the government is taking out of our society.

## **INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL**

### *Second reading*

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), **Hon. T. C. Theophanous** (Minister for Energy Industries) — I move:

That, pursuant to sessional order 34, the second-reading speech be incorporated into *Hansard*.

### **Motion agreed to.**

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

That the bill be now read a second time.

**Incorporated speech as follows:**

The Interpretation of Legislation Act 1984 (the act) makes provision for the construction, operation and the shortening of language used in acts of Parliament and subordinate instruments. This bill will make a number of miscellaneous amendments to clarify and improve the operation of the act. This is a technical bill, but I will go through each clause in turn because the act is of vital importance to the drafting and interpretation of legislation in Victoria.

Clauses 1 and 2 are standard provisions dealing with the purpose and commencement of the bill.

Clause 3 of the bill deals with the numbering of acts. Section 9 of the act provides that acts passed in each calendar year shall be numbered in regular arithmetical series, beginning with the number 1 in the order in which they receive royal assent.

There is a gap in the number of the acts that received royal assent in 2005. There is no act 68 of 2005. The act does not set out the consequences of a gap in numbering. Arguably, the gap simply presents a citation issue of no legal consequence. However, in order to ensure that the gap does not leave open the possibility of a technical challenge to the acts that have been numbered following the gap, clause 3 amends section 9 to provide that a failure to number acts as provided in section 9 does not affect the validity, operation or effect of an act passed in any given year.

Clause 4 of the bill amends provisions in the act dealing with the commencement of acts. Section 11(1)(b) of the act provides that where no day is fixed for an act to come into operation, it is to come into operation 28 days after it receives royal assent. The 28 days allowed sufficient time for the publication of the act. Advances in technology now allow acts to be published online within 24 hours of passage so the 28-day delay in commencement is no longer relevant. Furthermore, it can be difficult to calculate the 28-day period since it is unclear whether weekends and holidays should be included in the calculation.

Clause 4 addresses this issue by amending section 10A to provide for the power to fix a day or days of commencement where an act makes no provision for the commencement of a particular provision of the act, or makes no provision for the commencement of the act or more than one provision of the act. In these circumstances, commencement will be on proclamation or on the first anniversary of the passing of the act, whichever is earlier. Clause 4 also replaces sections 11(1) and (2) to remove section 11(1)(b) and make sections 11(1) and (2) easier to read.

Clause 5 of the bill deals with the exercise of powers between the passing and commencement of an act or subordinate instrument. Section 13 of the act sets out the powers that may be exercised under an act between the passing and commencement of an act. This section is often utilised to facilitate the practical implementation of an act prior to its commencement. For example, it allows for necessary regulations to be prepared, required office space to be leased and appointments to be made.

Clause 5 substitutes a new section 13 to more clearly set out the powers that may be exercised during this interim period. The amendment clarifies that a person appointed during the interim period can exercise a power under the act and that a

body may meet and exercise a power in the same manner and subject to the same conditions or limitations as if the act were in operation. The exercise of these powers does not confer a right or impose an obligation on a person before the commencement of the act except to the extent necessary to bring the act or relevant provision into operation.

The new section 13 will also make it clear that a person or body appointed can be remunerated during the interim period. It will also provide that the duration of an appointment during the interim period is not to be taken into account in calculating the duration of an appointment after the act commences. If an act provides that a person may be appointed for a three-year term the three years will run from the date of the commencement of the act not from the date of the appointment in the interim period.

Clause 6 amends sections 14 and 28 of the act. Section 14 provides for the effect of the repeal of an act or where it otherwise ceases to operate. For example, section 14 includes a provision that the repeal of an act does not revive the operation of any act that had been repealed by the first-mentioned act. Section 28 similarly provides for the effect of the repeal of subordinate legislation or where it otherwise ceases to operate.

Clause 6 amends sections 14 and 28 to clarify that where an act or subordinate instrument contains a provision that:

is of a saving or transitional nature; or

validates anything that would otherwise be invalid; or

requires a reference to an entity or a class of entity in an act or subordinate instrument or other instrument to be construed as a reference to another entity or class of entity —

the repeal of the provision, or where the provision otherwise ceases to operate, does not affect the operation of that provision.

It is common for provisions of this nature to be repealed after they have taken effect as part of the ongoing program of statute law revision. The repeal is done on the basis that it will not affect the operation of the provision. The amendment makes the effect of the repeal of these types of provisions absolutely clear.

Clause 7 of the bill deals with the construction of references in acts or subordinate instruments to renumbered or relocated provisions. Section 17 of the act provides for the construction of references in acts to other enactments. Section 31 of the act similarly provides for the construction of references in subordinate instruments to other enactments. It is not uncommon for acts and subordinate instruments in Victoria to refer to provisions of acts in other jurisdictions — particularly commonwealth acts. On occasion, the federal government inserts a provision into an act that allows for the automatic renumbering of provisions in an act or the relocation of provisions within the act following significant amendments. This technique helps to avoid the awkward numbering of sections that can result from the insertion of numerous new provisions into an act.

Clause 7 inserts new sections 17(1A) and 32(1) to provide for the construction of references in Victorian acts and subordinate instruments to provisions in other enactments that are renumbered or relocated. The amendments will provide

that if a provision is renumbered or relocated, the reference in the Victorian act or subordinate instrument is to be construed as a reference to the provision as renumbered or relocated unless the contrary intention appears. This will help avoid the need to make immediate amendments to Victorian legislation when another jurisdiction renumbers legislation.

Clause 8 substitutes a new section 26 into the act. Section 26 of the act makes provision for the exercise of powers between the making and commencement of a subordinate instrument. Section 26 has been replaced in line with the new section 13.

Clause 9 inserts a number of new definitions of commonly used terms to section 38 of the act. Section 38 of the act defines many terms that have application across all acts and subordinate instruments unless the contrary intention appears. This saves the need to define commonly used terms in every piece of legislation. Some of the new terms to be defined include 'Chief Justice', 'enactment', 'entity', 'Family Court', 'individual' and 'public service'.

Clause 10 inserts a new section 38AAA into the act to provide that where reference is made in an act or subordinate instrument to a particular department and the name of the department is changed under the Public Administration Act 2004 then the reference is to be taken to be a reference to the department by its new name from the date that the name is changed and so far as it relates to any period on or after that date.

Clause 11 inserts a new section 38AA(1A) into the act to recognise references to 'Australian/New Zealand Standard' or 'AS/NZS' as references to the standards published jointly by or on behalf of Standards Australia and the Standards Council of New Zealand.

Clause 12 of the bill inserts a new section 46A into the act dealing with the construction of provisions relating to bodies representing the Crown. This new section is needed to address the recent High Court decision in *McNamara v Consumer Trade and Tenancy Tribunal and Roads and Traffic Authority*. In the *McNamara* case the High Court found that a statutory body did not have the benefit of Crown immunity even though it was described in legislation as representing the Crown.

There are numerous Victorian statutes that have been drafted on the basis that describing an entity as 'representing the Crown' gives the body the benefit of Crown immunity. With the existing position now overturned by the High Court, those entities may be exposed to liabilities and obligations to which it was never intended they be exposed. New section 46A(1) provides that where a statutory entity represents the Crown then the entity is to have for all purposes the status, privileges and immunities of the Crown unless a contrary intention appears.

New section 46A(2) provides for the converse situation. Where an act or subordinate instrument provides that a statutory entity does not represent the Crown the entity does not have, for any purpose, the status, privileges and immunities of the Crown unless the contrary intention appears. New section 46A(3) ensures that no implication arises from an act or subordinate instrument not stating whether or not an entity represents or does not represent the Crown. New section 46A(4) makes it clear that a reference to 'Crown' includes the state for the purposes of this section.

Clause 13 of the bill is a transitional provision. The amendment to address the *McNamara* case will not affect any proceedings commenced before the commencement of that act.

I commend the bill to the house.

**Debate adjourned on motion of  
Hon. C. A. STRONG (Higinbotham).**

**Debate adjourned until next day.**

## INFRINGEMENTS BILL

### *Second reading*

**Debate resumed from 28 March; motion of  
Hon. J. M. MADDEN (Minister for Sport and  
Recreation).**

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I rise on behalf of the state opposition to provide our contribution to the debate on the Infringements Bill. In doing so, I indicate that the state opposition does not oppose the bill. As a personal observation, I am pleased that this legislation is now before the house.

The bill is a detailed revamp of the capacity of the current government and future governments to establish a framework for enforcing payment of infringement notices in this state. It is interesting to note, as those who have read it will have, that the second-reading speech by the Attorney-General is quite novel, in that it refers to some quaint experiences in the past and the way that infringement notices were first sought. For example, around the turn of last century the best form of enforcement of road laws was considered to be by the passengers travelling in the car; they were considered the most appropriate mechanism by which to ensure that drivers would obey the relevant road laws. I am pleased that we have moved beyond that, because now we know that quite often passengers are in an inebriated state, often substantially worse than the driver and therefore — unless you are a footballer in another state — not able to give a driver guidance. So unfortunately it is necessary to impose penalties.

Whilst infringements are considered to be part of the traffic laws, there are many in various other areas. In my early days in the police force an infringement notice had a limited capacity in terms of the offences for which the driver or anyone else could be convicted. My colleagues still in the police force now have a variety of offences that they can issue an infringement notice for — in fact the pad is quite large and there are boxes right down a whole sheet — from minor offences up to what we used to take people to court for. One example

is careless driving. Day in and day out you would go out in the divisional van to where somebody had slammed their car into the back of somebody else's car in the common case of careless driving. Back then the only option we had was to prosecute the matter in the Magistrates Court. In the end it seemed a bit of a waste of time because the police officer was really only being a subagent for the insurance companies that just needed an independent arbitrator to establish all the details surrounding the relevant action. The other day I saw at the intersection near where I live the joining of forces of a taxi and another car. As well as the ambulance the police were there. I noticed that the infringement book came out and I do not think the taxidriver earned much that day — let's put it that way.

The reality is that it is a lot more efficient to impose infringements. It is very clear that an instantaneous penalty is imposed. Everyone, whether they are lawyers, wannabe lawyers or bush lawyers, knows that a strict liability is attached to an infringement notice. On the whole most people consider it to be a slap on the wrist and move on. We go beyond the pale sometimes. Recently in this state we have introduced excessive numbers of speed cameras. Where they have not been up to scratch there has rightly been some quite high-profile public criticism. Anyone who would allege that a Datsun 120Y could hurtle along a freeway at, I think, over 100 miles an hour would be kidding themselves — it would be lucky to do the quarter mile in about 50 minutes rather than hurtle down any freeway. There have been other examples, such as the truck that was supposedly travelling along CityLink at a speed that it could not achieve, either. We are assured by this government that everything is fixed up. Let's wait for the next rash of stuff-ups, which is the only term I can use about the current Minister for Police and Emergency Services.

Another component I refer to in my contribution as the lead speaker for the opposition is the motivation for the bill. I am sure that issues arose preceding the preparation of the bill. In fact the Attorney-General requested that the Parliament's Law Reform Committee, of which I am a member, conduct an inquiry into warrant powers and procedures. The committee took evidence from organisations and individuals at hearings that were held in Victoria and interstate. The report itself goes into quite lengthy detail and is about 800 pages long. The terms of reference were for the committee to inquire into, consider and report to Parliament on:

1. Victoria's existing warrant powers and procedures, including arrest warrants, warrants to seize property and search warrants; and

2. whether the existing laws should be amended, and in what way, having particular regard to the need to promote fairness, consistency and efficiency.

Page 373 of the report says:

During the inquiry, the committee received more evidence about these warrants ...

that is, penalty enforcement warrants —

and the broader PERIN system than any other issue except search warrants. Stakeholders argue that some penalty enforcement warrants are issued inappropriately or unnecessarily.

From my own observations at the hearings and from reading the submissions, it was quite clear that despite the stated views, there should be a level of capacity for infringement notices to be fair, equitable and efficient. Through hearing evidence and from statistical information we found that that was not the case.

This is what the bill is leading to. We are trying to introduce into a complex system a bill that can hopefully, if I could use the words, 'dumb down' the process so that we do not end up in the situation we have seen recently where we have outstanding fines. I think there are somewhere in the vicinity of \$700 million in unpaid fines burgeoning. Obviously the more we let the system continue to groan on, the more this figure will continue to balloon out.

There was no doubt that the initial PERIN system was designed to alleviate the need for establishing court attendances. As has happened in any system that has been introduced, we find that from time to time they need to be reviewed. For the record, PERIN is the acronym for penalty enforcement by registration of infringement notice. There may be some arguments about changing the name PERIN to 'infringements'. The word 'infringements' is probably more pertinent because it makes a lot more sense than penalty enforcement by registration of infringement notice.

For all intents and purposes, those who receive notices which then fall into the PERIN notices do not know what PERIN means. Unless you have been through the system, it would not add much weight. This government is famous for changing names for the sake of putting up smokescreens. However, during the committee's hearings it was clear that many people could not understand the concept of a PERIN court. It might be a small issue for some, but the reality is that the change to 'infringement' is more relevant and timely, and it meets the way society is wanting to understand where it is all heading.

As I said, the report went into quite detailed examination. We looked at warrant powers and procedures because ultimately those who failed to respond to infringement notices provided to them ended up receiving warrants. The unfortunate nature of the way infringements are handed out meant that there was no level of review early in the process. The legislation before the house provides for a pre-enforcement stage in the infringement process.

The committee heard substantial evidence from a number of people who had represented clients. This is at the bottom end of the scale — that is, those who receive warrants. We heard that infringements were often issued to people from disadvantaged groups. Mental illness in our society is a topical issue. For many years there have been problems for mentally ill people using the public transport system and being on the roads. Some people in our society receive infringement notices for breaking the law. The offences include not having a valid ticket while riding on public transport because they feel they do not need one. I was a bit argumentative.

I thought people should be required to respect the laws of society. However, after substantial and weighty evidence I realised that may not be the case. During our inquiry we attended a special circumstances court. Sometimes these people reach the point of having to be sentenced to jail for not paying their fines. In my view the court dealt out appropriate penalties.

Some people in society have drug or alcohol addictions or mental illness, and there are some who may be at crossroads in their lives. They experience the pain and shame of having to go to court and having to attend the Sheriff's Office due to the build-up of fines. Some people have fines of hundreds or thousands of dollars, but others have fines that had mounted into the tens of thousands of dollars. It is hard to believe that someone could let that happen, but when you listen to some of their circumstances you could then argue that resolution of these matters at the pre-enforcement stage would be a better way of doing things, and that is what is provided for in proposed section 8 in division 1 of part 2 of the bill. This provision deals with the process of issuing official warnings. It states:

- (1) An issuing officer may serve a person with an official warning rather than serve an infringement notice if —
  - (a) the issuing officer believes on reasonable grounds that a person has committed an infringement offence; and
  - (b) the issuing officer is of the opinion that in all the circumstances it is appropriate to serve an official warning.

It is important that issuing officers may serve a person with an official warning. It continues:

- (2) An official warning must be in writing and contain the prescribed details.

This is an important process for avoiding having to issue infringement notices in circumstances where, in all honesty, the person who receives the infringement notice will never pay the fine. The matter will never see the light of day. No-one will see any cold, hard cash, and the penalty imposed on the perpetrator will not prevent that person from reoffending.

Many submissions from agencies suggested that more support needed to be provided to these people. I believe the system of issuing infringement notices would enable some of the support agencies to be more aware that certain people are constantly offending. The most relevant offences are to do with travelling on public transport. This is not a business person going off to work and deciding they do not wish to pay for a tram ticket and thinking, 'I will be right; I will just get a warning.' It is designed for those who do not fully understand the functions of a civilised society and how it is expected to work in the ordinary case. Real-life examples were provided to me and the committee, showing that this is an important step in the legislation before the house.

However, I should draw the house's attention to the fact that we have provided some level of discretion. Police officers have been always afforded the privilege of levels of discretion in the execution of their duties — to execute, prosecute or charge people. There are those who — not as sufficiently trained as some of the police — have decided they would like to wear a uniform and go out there possibly in a customer service role or whatever else they purport to be. Then they decide that they are not going to observe this clause within the bill. I think that would be a mistake. As I said, some people think this is soft on perpetrators, but it is not in the long term. In the end, in my experience, the fines do not end up being paid anyway. All we have done is clog up the court system with unnecessary and unwarranted court attendances and paperwork.

I will give the house an idea of some of the paperwork that can be involved and the processing costs that can be added to a penalty. These figures come from a table on page 379 of the report. When a person does not pay an infringement notice, the first cost is a courtesy letter, which is \$18.82. If that is not responded to, there is the PERIN court registration, which is \$40.91. Then there is the enforcement order issue, which is another \$22.03. Then we have the penalty enforcement warrant, which is \$46.16. The cost to the perpetrator is an additional

\$127.92. So a \$50 parking infringement penalty could grow by some 252 per cent to approximately \$178 by the time a penalty enforcement warrant is issued.

A public traffic offence, which has a \$150 debt, would increase by 85 per cent to approximately \$278 by the warrant stage. I am not saying by any means that we support those who do not pay and consistently break the law, but it helps to put it in perspective to cite some of the amounts and effort involved.

PERIN enforcement orders and warrants have increased. I will just give the house an idea of the notices issued. The report shows on page 381 that in 1990–91, 2.3 million notices were issued. Of those, notices registered at the PERIN court were 377 531. In the most recent figures for 2003–04, the number of notices issued jumps substantially, no doubt due to speed cameras and the like. There were 3.2 million infringement notices issued, of which the notices registered at the PERIN court jumped by about 50 per cent to 768 061. In anyone's mind that is a huge number of notices that have to be registered at the PERIN court or infringements court. For those who think the system is not groaning, this is one example where the system is groaning consistently and is constantly under pressure.

There are examples provided where people do not catch up with their outstanding warrants for 6 months, 12 months or even years. In relation to my corrections portfolio, prisoners have told me that they want to get their matters prosecuted while they are serving time in jail. They want to get a clear slate, but because of the way the PERIN system is just groaning along they know they are facing substantial fines. They just want to serve it out in jail but they cannot, because the system does not allow that way of dealing with it. I hope that with this legislation, through the guidelines and other proposals by the Attorney-General, that corrections will take into account that some prisoners who are in jail serving their time for real offences would like to start fresh without further threats of going to jail for traffic or other minor infringements.

There is no doubt that at its introduction the PERIN court was intended to ensure that we had an efficient system. But, as I have argued for the past 20 minutes, the system is working under enormous pressure and needs some review. The bill before the house does that. It provides necessary breathing space to allow those who commit offences to be dealt with differently.

I am very pleased that the report that we provided, which was tabled in Parliament in November last year, has been acted on, although I expect that there was

already work in progress because of the very nature of PERIN court. The committee took evidence from magistrates and various other people. Committee members visited courts, and it was quite clear that the system had been under enormous pressure for a long time. This is why we have the legislation.

The committee made a number of recommendations to deal with the PERIN court. For example, recommendation 95 looked at the conversion of penalties and costs to community work. That is just one example that was in the report. Of course, the bill talks about of the capacity for payment plans, and this was an issue that we strongly advocated.

Part 2 of the bill concerns official warnings, which the committee supported, and lays out the processes dealing with infringement notices, service and forms. It was quite amazing that some people found that it was not clear from the infringement notice that they had received a fine. I know that may sound silly to people who have received infringement notices, but there are some in our society who quite frankly thought they had not been fined. I am pleased that we are at least moving to address that. Colleagues have raised concerns that the guidelines to be outlined by the Attorney-General may be limited. However, I am sure the Attorney-General will take note of the Law Reform Committee's report, because it outlines what is detailed in the legislation.

Part 3 deals with payment plans and the way late payments are to be dealt with. I am very pleased about the establishment of a central planning facility. A number of advocates pushed strongly for a better payment system than is currently in operation. There was evidence that people had racked up not hundreds of dollars in fines but literally tens of thousands of dollars. Clause 42 provides that the secretary has the function of establishing and maintaining a central payment plan facility. It goes on to detail what it is to do and how payments are to be dealt with. I do not want to go to the micro level of it, but I have read through it briefly and in my view it does propose a better system than is currently in place.

Part 4 of the bill deals with the capacity of the courts to revoke infringement orders. The issue of the expiration of enforcement orders is important, because in respect of some issues dealt with in the bill people could avoid prosecution. I support the notion that those who commit offences and are aware of what they are doing should be subject to the full weight of the law. The bill will ensure we do not have hundreds of millions of dollars just sitting there wasting away, with no real capacity to get the money.

Finally I want to talk about part 12, which deals with infringement offenders, community work permits and imprisonment. Clause 147 says what I have been saying all along:

... a community work permit may not be issued under this Division to an infringement offender in respect of an infringement warrant —

- (a) if the outstanding fines under the infringement warrant exceed \$10 000 ...

The legislation always talks about \$10 000. In my view that is appropriate, because there are people who will rack up that amount in fines with the expectation that they will receive a community-based order (CBO). An analysis of the number of CBOs in the state for mainstream offenders shows that around 8500 people each day are on a community-based order of some sort. I do not think that is appropriate for people who rack up fines of tens of thousands of dollars. However, I believe there is a need for some capacity to impose a term of imprisonment if people are not able to be made subject to an order or to be dealt with in some other way.

In summary, the opposition is not opposing the bill. In fact I am pleased that the bill is before the house. I am pleased that a lead is being taken, but I suspect some work done on the Infringements Bill may lead from the final report of the Law Reform Committee on warrants, powers and procedures to something further. If that is the case, that is legislation we look forward to seeing. I understand there is still more work to be done — absolutely there needs to be more work — but I think the government is taking the right steps. Far be it for me to say that of the government, but I think in this case it is taking the right steps and is moving forward to deal with this particular issue.

I look forward to the bill being passed. I look forward to its operation and application. Hopefully we can see a real turning in some of the issues that are confronting the PERIN court and in some of the blockages in the court system caused by the huge growth in infringement notices. There is no doubt that the courts play an important part in our society. They are an important part of our system of enforcement and deterrence. It is also important that they be able to work to the point where they do not become a hindrance to the justice system but remain a proper conduit to the orderly society we all wish to live in.

**Hon. P. R. HALL** (Gippsland) — You would be a superhuman being if you have never received an infringement notice. I do not think there are any superhuman beings in this chamber, therefore the debate on this bill should be of interest to us all. I have

to admit I am not a superhuman being — I have received a few infringement notices over the years.

**Hon. Richard Dalla-Riva** — Name them!

**Hon. P. R. HALL** — The majority of them have been for parking infringements. If my memory is correct, I think I have received two speeding infringements over the period of time I have driven. I have always paid them.

**Hon. T. C. Theophanous** — Haven't you got a driver?

**Hon. P. R. HALL** — Yes, I have a driver.

**Hon. T. C. Theophanous** — Was it him or you?

**Hon. P. R. HALL** — No, it was me. I admit to things I do wrong. I have always paid my infringement notices but always begrudgingly because on all occasions there has never been any intent to break the law. In all instances the offences have been committed unknowingly and were due to carelessness. It is very easy to creep over the speed limit, and I have done that. There have been other occasions where I have not read the parking signs properly and therefore have parked at places where I should not have. At times I was delayed and did not get back to feed the parking meter in time. In all instances that is a result of carelessness, and appropriately I have been reprimanded.

I have also dealt with many constituents over the years — as I am sure other members have — who have come into my office and complained about infringement notices they have received. I must admit listening to cases that are put before me, sometimes those constituents have been pretty stiff to have been caught in those situations, but at other times I have thought they deserved it. Nevertheless there have been a few occasions on which I have directed constituents to appeal regarding their infringement notices. In some instances they have done that successfully but in others they have not.

When constituents knock on my office door, a constant complaint is that they feel governments use infringement notices simply as revenue-raising exercises. I am sure we have all heard complaints along that line. Despite various ministers' claims that infringement notices are not used for revenue-raising purposes, in many instances there is certainly evidence to suggest they are used for that purpose.

If you look at the budget estimates themselves, there is a line item of the expectations that certain revenues will be raised through the issuing of infringement notices.

Where there is a budget item line, public services are under some pressure to ensure that the budget line is actually achieved. I have no doubt that there is a revenue-raising aspect in the issuing of infringement notices. Despite that, I agree with the comments of the Honourable Richard Dalla-Riva that infringement notices are an efficient way to conduct law enforcement; rather than going through a very lengthy and complex procedure of taking matters before a court, if the issue can be resolved by the issuing of an on-the-spot fine or infringement notice, that is a far more efficient way of upholding and enforcing the law in this country.

A bill called the Infringements Bill is before the house for its consideration. I understand the bill will establish a general framework under what will be called the Infringements Act, so the issuing of infringement notices is made consistent across a number of government departments. Instead of having several acts which all set out different systems for the issuing and enforcement of infringement notices, we will have a single act called the Infringements Act.

We will still have penalties being applied under other acts of Parliament, but those acts will adopt the procedures of this new act. The exceptions to this which are outlined in the second-reading speech are: the serious infringement offences under the Road Safety Act, the Marine Act and under rail safety legislation. I think it is appropriate that those exceptions exist, because some of those more serious infringements need to be dealt with in a more serious way. It is appropriate that there be such exceptions.

Under this framework there are some new provisions and some existing provisions being rolled into the new framework. I want to mention a couple of new provisions and existing provisions. There are couple of things which I think are important in relation to what is described as the pre-enforcement stage of this legislation. There is an important code of conduct to be developed for enforcement officers. We have all heard stories of over-officious or zealous enforcement officers who seem to not take into account any of the personal circumstances that might apply to somebody who has broken the law. It is good for government that there is a code of conduct in place so we know what sort of behaviour and standards we expect from enforcement officers. I think that would be a help.

I also note there is going to be clearer advice given to people about their rights, options and responsibilities about receiving an infringement notice. I am not sure how that is different to the current method: my understanding is that the current infringement notice

one receives outlines the choices. Those choices are very limited for people: they are either pay on time, otherwise the matter will be taken to court. I expect that the advice given to people about their rights and options will include a broader statement from now on, and a wider range of options will be given to people who have received infringement notices.

I also note that official warnings can now be given at the discretion of the enforcing officer. While there has always been a process where a warning can be given to a person, this is now going to be an official warning; therefore I presume it will be recorded. I think it is also appropriate that enforcement officers should be prepared to consider the circumstances involved if an officer deems it appropriate to issue an official warning.

I also note there are new provisions relating to the internal review of infringement notices. The bill gives a person a right to apply to an agency to withdraw a notice where a person believes the issue is wrong in law or it is an issue of mistaken identity or there are some special circumstances.

The special circumstances described in the bill relate to mental or intellectual disabilities or disorders; they also relate to homelessness. Serious drug, alcohol or substance addictions can be taken into account. For people who are unable, because of special circumstances, to control their behaviour I believe it is appropriate that they have the option of consideration of an internal review record before the infringement notice proceeds further.

The outcome of such an internal review may include what I am describing as a downgrading of the infringement to perhaps being issued an official warning. I believe that is appropriate. I guess that happens a bit now where somebody might write back to the agency and say, 'These were the circumstances in which this infringement notice has been written. I think it was a bit unfair. I think there are special circumstances applying to this', and then seek to have the notice withdrawn. This bill formalises that process and better defines the grounds on which somebody can seek an internal review.

Like Mr Dalla-Riva, I am pleased that the instalment plans have again been included in this piece of legislation. I was a strong advocate for the payment of infringement notices by instalments in previous legislation. I have had constituents who are pensioners and who find the payment of, for example, a \$200 fine very excessive; they have been unable to meet that commitment within the time frame, given their limited incomes. I always thought it ludicrous that the only way

people could negotiate a payment plan was to take the matter to the PERIN court, and it was only the PERIN court in those circumstances that could approve a payment plan.

The measure in the bill that allows a person to seek to have their fine paid by instalments, if they satisfy certain conditions — and having a low income is one — rather than having to take the matter to the PERIN court where the penalty attracts additional interest, is important; it is a positive measure. I also welcome, in respect of payment by instalment plan, the establishment of a central agency which various government departments can use to process a payment plan situation. That will lead to improved efficiency and help people to meet their legal obligations in paying infringement notices.

I want to make mention of the community work order provisions in this bill. Again, that is an appropriate measure, rather than a magistrate being the only person who can authorise community work. This gives the option to the sheriff, on the issuing of a notice, to allow a person to pay off their debts by way of community work.

One of the other provisions of the bill mentioned by Mr Dalla-Riva is the name change from the PERIN court to the infringements court. I was one of those who was baffled for a long time as to what PERIN actually stood for, so I agree with Mr Dalla-Riva's comment that 'infringements court' is a far more appropriate title. People will readily understand the meaning of that.

I note also in the bill that the Department of Justice is going to have a monitoring unit established within it to have some oversight of this legislation. We look forward to the workings of that unit, and I guess that will be reported to the Parliament in the annual report of the Department of Justice, so we will watch that with some interest, too.

As I said at the outset, despite the fact that we all dislike receiving infringement notices, it is inevitable that from time to time we are all going to receive them. I believe the measures contained in this bill will assist at least some people in meeting their obligations when they have been issued with an infringement notice, and that is a positive step forward. The Nationals have considered this bill. We believe the changes are generally positive, and that is why we are prepared to support the legislation today.

**Ms MIKAKOS** (Jika Jika) — I am very proud to be able to participate in this debate and indicate my strong support for the Infringements Bill. It is an important

piece of legislation which seeks to bring our infringement system into the 21st century and to better reflect the complexities of modern society. It will also seek to introduce greater flexibility into the system, providing a fairer but firmer system of infringements by which society can deal with minor infractions in the law.

Certainly as a member of Parliament I have had many people come to my office seeking assistance when they have thought they had been unfairly issued with an infringement notice. I have been prepared, where I thought the circumstances warranted it, to write to local councils and assist them with other agencies in seeking to have these infringement notices reviewed. On the whole, I do not accept many complaints that I hear as a parliamentarian, particularly in relation to speeding offences.

Our infringement system is very important in addressing significant traffic issues and has played a huge role in decreasing our road toll. I concur with the comments made by the Honourable Peter Hall that people generally are not happy to receive infringement notices, but they are an important part of civil society. The absence of these infringement notices would probably lead to a very different society — one with a huge volume of deaths on our roads due to speeding and other dangerous driving, a place perhaps where it would be impossible to find car parking due to people overstaying their time or where people would be able to freely travel on public transport without making a contribution to the cost of running that transport system.

Our infringements system essentially encourages people to comply with the law; one way of putting it is that it encourages minor behaviour modifications by hitting people where it hurts the most — that is, in the hip pocket. Generally I believe that our infringement system works. However, this bill recognises that we need to make the infringements regime fairer. We need to ensure that people who owe money due to their behaviour pay their debt to society and that we encourage people to meet their obligations to society.

This legislation replaces inconsistent, out-of-date legislation and practices that have been in place in more than 50 separate pieces of legislation. It will seek to provide one cohesive infringements regime that has been well thought out so as to provide greater consistency in the application of the law. There will be an infringement systems oversight unit established within the Department of Justice that will monitor this system, manage its operations and suggest ways for improvement.

We need to have a system that can adequately deal with the volume of infringements that are now issued. It is estimated that approximately 3.2 million notices are issued annually. This bill will make improvements to the standards of interaction between agencies and individuals receiving infringement notices. For example, it will put a more human face to the system by ensuring that agencies who issue fines allow for appropriate customer service training for staff involved in the issuing of fines. There will be a formal right of review to the agency of the issuing notice in circumstances such as mistaken identity or where exceptional or special circumstances are being claimed.

This area of legislation accords very strongly with my beliefs in social justice and the requirements for legislation to include principles of equity. I should say that the great majority of recipients of infringement notices pay their fines on time. There are, however, circumstances where a fine is not warranted.

The emphasis in the new system is on making it transparent and easier to use, ensuring that only those who deserve a fine have to pay their fine. This bill provides for more protections for individuals, in particular people who are experiencing special circumstances — those people with a mental illness or intellectual disability, the homeless or people with serious addictions.

Time has shown that it is distinctly inequitable to continue to fine people when their level of responsibility is diminished — those people who cannot understand or control their offending behaviour. There is no point in continuing to issue fines to people who will make no change to their behaviour through the receipt of those fines.

The bill seeks to limit infringements to those people who, because of their personal situation, receive an inordinate number of fines, in particular the homeless. Rather than their being pushed through the automated system, the new infringements system will allow them to be dealt with on a case-by-case basis through the courts. The courts will then be able to make a determination on an individual's situation and proceed accordingly.

One aspect of the infringements system that has been criticised in the past is that individuals have been unable to arrange instalment plans in the first instance of receiving a fine. Often this has meant they have had to wait until it has gone to the PERIN court, whereupon extra fees would be payable, before being able to arrange to pay off their fine by instalments. The new system proposed by the bill will allow eligible

individuals to arrange for an instalment plan on receipt of a fine, as long as they meet the eligibility criteria. Generally these will be people in receipt of a commonwealth benefit and holders of health care cards. People experiencing significant financial difficulties will also be considered by the issuing agencies on a case-by-case basis.

One other aspect of the infringements regime is the ability of issuing agencies to levy new sanctions on those people who are able to pay fines but refuse to do so — the so-called recalcitrants. I note that the second-reading speech — which, I should point out, is an excellent second-reading speech; I congratulate the staff at the Department of Justice involved in drafting it — refers to approximately 40 000 people having 10 or more outstanding warrants, so there is a significant element of people in our society who refuse to pay their fines.

The bill seeks to provide authorities with new measures for those who do not observe orders from the PERIN court, soon to be renamed the infringements court. As examples, the new measures will enable the infringements court to suspend a drivers licence or not renew that licence, to not renew vehicle registration or not transfer ownership of a vehicle, to order wheel clamping and the garnishing of salaries, and to seize personal and real property. That really gives issuing agencies significant teeth to be able to enforce outstanding infringements.

I should say that the overwhelming majority of citizens and members of our society do in fact pay their fines — perhaps begrudgingly — when they receive them and on time. That vast majority of members of our society have nothing to be concerned about with the new powers, but for those who through ignorance or sheer bloody-mindedness refuse to pay their debts to society and refuse to modify their behaviour, the measures will provide an effective weapon in enforcing compliance with the law.

In conclusion, I strongly support this bill because it will offer a more effective, fairer infringements regime which will encourage citizens to comply fully with the letter of the law, and enable the infringements agencies to adequately pursue those who refuse to do so. I commend the bill to the house.

**Hon. J. H. EREN** (Geelong) — I, too, am pleased to speak on the Infringements Bill, because it is something that will no doubt affect a lot Victorians. As Mr Hall said, nobody likes to cop an infringement notice, and at some stage most of us have, but it is also widely understood that the need for a fair and equitable

infringement system that acts as a deterrent to bad behaviour is needed.

As a member of the parliamentary Road Safety Committee I regularly see the horrific results of traffic infringements, such as speeding and poor driving behaviour. But at the same time we see the results of a strong infringements system, and people are less likely to speed if they are going to cop a fine or even lose their licence.

As Mr Hall said, there is a cynical view out there that such fines are raising revenue for the government. My argument to that — and I hope there will be discussions in my electorate with my constituents — is that it is quite simple: do not speed and you will not get a fine. As Mr Hall said, for those times when you are careless and a bit leadfooted on the accelerator and you cop a fine, you cop it on the chin and pay it, but after you have paid the fine you will surely think about it and realise that you need to slow down.

When we talk of infringements we often think that traffic infringements — getting a speeding ticket or a ticket for parking in the wrong spot — are the only infringements. Traffic infringements make up about 95 per cent of the system, but today there are over 50 acts of Parliament with over 1000 offences that attract infringement notices. It is widely accepted that we need a system where people are punished for doing the wrong thing, but we do not need to clog up the court system with seemingly minor offences.

We have had the current system for a long time now, but we have found some glaring problems with it over the years. That is why this government is seeking to provide a framework to create a fairer, more equitable system that will provide for better regulation and enforcement.

Before I go on I would like to put on the record the main elements of the new system. Some of them are: a fairer infringements process based on early intervention and the provision of improved information to the public; process improvements, which include a right of internal review by the issuing agency; measures at various stages, including the internal review stage, to filter out of the system people who cannot understand or control their offending behaviour — for example, people with mental or intellectual disabilities, the homeless and people with serious addictions; improved administration by issuing agencies of the infringements environments they manage; firmer enforcement measures to improve deterrence in the system, reducing civil disobedience and the undermining of the rule of law; arrangements to establish a gatekeeper role for the

infringement system, which will take a system-wide view and be responsible for managing ongoing improvements to the system; and changing the name of the current PERIN court to infringements court.

The new system will make it more difficult for those people who continually do not pay their fines. I suppose it is that mentality of having to hand over some money without receiving any goods or services for it, and of thinking, 'I can prolong that payment. I would rather spend it on something else. I need this for the house'; or, 'I want to go out somewhere and have dinner, and that could be used for that'. They think, 'I will just leave that for next week', and before they know it they have forgotten about it, because they do not see it as important, and therefore it is delayed. I was quite staggered to read that there are about 40 000 people in Victoria with 10 or so infringement notices that have not been paid.

Over the years 75 to 85 per cent of infringement notices have been paid without the need for agencies to resort to penalty enforcement proceedings, which is a good thing. The Auditor-General recently found that an average of 78 per cent of traffic and camera on-the-spot fines are paid within 112 days of their being issued. As I said, however, significant numbers of fines are not paid — in fact, at 30 June 2004 the amount owing was \$694 million. The impost on government to follow up or chase the payment of unpaid fines is great. But what is even more significant is that a substantial segment of society does not pay the fines because they either do not want to or are not in a position to. Either way we as a government must find a way to ensure that all Victorians are treated fairly.

On the assumption that some people cannot pay a large fine all at one time, this legislation will introduce a system by which they can pay off their fines in a fairer and more equitable way. At the moment, if a person cannot pay a fine and waits for the second notice, an additional cost is added to that fine. The additional cost is not necessarily fair if the only reason that person did not pay the bill was because they could not afford it. That system is unfair because a lot of people in the community are not in a good financial state and cannot afford to pay their fines.

It is probably appropriate to say at this time that, given the changes to industrial relations laws federally, over the course of the next 5 to 10 years we may see more people being disadvantaged, imposing further financial hardship on some communities.

However, there are people in this world who are not deterred by infringement notices. This bill will add an

extra burden on those recalcitrant fine avoiders who are not paying simply because they do not want to pay and they do not respect the law. With these legislative reforms they will run the risk of a wider use of measures designed to motivate people to pay. They include: driver licence or vehicle registration suspension, driver licence or vehicle registration non-renewal, wheel clamping, the garnisheeing of wages, and charging orders on and the sale of real property.

I will not dwell on this bill for very much longer. As I said before, there is a need for a fair and equitable infringement system that acts as a deterrent to bad behaviour. I believe the bill before the house provides for such a system, and therefore I support it.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — By leave, I move:

That the bill be now read a third time.

In doing so I wish to thank honourable members for their respective contributions.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

**Debate resumed from 29 March; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. C. A. STRONG** (Higinbotham) — I rise to continue my contribution to this particular bill after last night when the modern version of Hansard with its technology failed us and we did not have the old-fashioned version where people actually took notes. With technology we have taken a major step forward — but with technology in control of the house rather than of members of Parliament. I shall resume debate on the bill.

However, the intervention of technology has allowed us to compensate for a problem that the government caused in that it neglected to inform the opposition that it intended to introduce a series of amendments, not ensuring that we were briefed on those amendments — all of which caused us quite some concern. It was a significant breach of the normal protocols of this place.

That intervention of a failure of technology and the adjournment of this bill has allowed the opposition to be briefed this morning on the amendments. We now understand the amendments, and we do not have any problem with them. I am therefore able to say as a consequence that we will support the bill, as we now fully understand the situation. The government has extended to us the normal courtesies of a briefing, for which I thank it. I guess I cannot help but add a reminder that it should not make that mistake again.

This is, in essence, an omnibus bill. It deals with amendments to 11 acts, which will become 12 acts once the appropriate amendment is moved. I have stood here on many occasions when small bills of the Attorney-General — some, only one paragraph or half a page — have gone through the house. I have often asked why members opposite did not bring those bills together and handle just one omnibus bill. In this case the government has listened; it is a very sensible approach to bring the amendments together in an omnibus bill. I can only say that probably 12 months ago the house would have had to deal with 12 bills containing one amendment each rather than one omnibus bill containing 12 amendments. It is a step forward to have all the amendments in this one omnibus bill.

I will very briefly touch on some of the amendments. The first is to the Appeal Costs Act 1998. It reinstates previously existing provisions that say extra costs as a result of a criminal adjournment must be proved or justified. I am not entirely sure how that provision was removed in the first place, but its reinsertion seems quite reasonable.

The next amendment is to the Constitution Act 1975. It picks up on drafting errors in the Courts Legislation (Judicial Appointments and Other Amendments) Bill. It puts in place savings provisions in relation to salaries and allowances for judges. This was not done when those provisions were taken out of the Constitution Act and put into the new legislation. Again we are picking up on an omission made previously. One always regrets omissions, but it has been picked up and the amendment is appropriate.

The amendment to the County Court Act 1958 is a mirror of the amendment to the Constitution Act 1975. It puts back savings provisions relating to the salaries and allowances of County Court judges which were inadvertently removed when the Courts Legislation (Judicial Appointments and Other Amendments) Act was passed.

The amendment to the Courts Legislation (Judicial Conduct) Act is minor. It is a correction of a drafting error. It is interesting to note that this act passed through this place about 12 months ago and has not yet been proclaimed, yet we are amending it. It has elements of *Fawcety Towers* about it, but nevertheless the amendment is needed so we will not stand in its way.

The amendments to the Crimes Act concern applications for forensic sample procedures. The amendments to the Evidence Act concern drafting changes of a microscopic nature. Reference to the Patents Act 1952, the outdated act, is amended to insert a reference to the Patents Act 1990. The amendment of the Public Notaries Act is a punctuation error correcting the fee units from 2.9 to 29 fee units. Once again it is a drafting error of a minor nature.

There are minor amendments to the Serious Sex Offenders Monitoring Act. I note on behalf of the opposition that we still do not understand why rape is not a notifiable offence. There are corresponding amendments to the Sex Offenders Registration Act which correct drafting errors and change a clause reference. Again we believe it is a pity that rape is not included in that schedule.

Amendments to the Victorian Civil and Administrative Tribunal Act are corrections to drafting errors to allow for reserve judges and acting judges and to amend the terminology. There are amendments of a drafting nature to the Working with Children Act 2005. We will deal with new amendments relating to that act in committee.

That is essentially what the bill does. It makes corrections of the most minor nature. The amendments to the Evidence Act deal with DNA testing and the keeping of samples. I pause momentarily on that issue, because it is one thing to introduce legislation that seeks to amend, safeguard and change DNA testing — the opposition does not have a problem with that — but the opposition is cynical because there is a massive backlog of over 12 months in DNA testing. Cases are being dismissed simply because DNA tests are not being carried out. These are for drug offences that are theoretically a high priority within the government and certainly of high priority in the community which

wishes to see a crackdown on drug offences. The laboratories that do the DNA testing are unable to cope.

The government talks about how it is improving the situation by bringing in new legislation, but what is the use of that if we cannot do the DNA testing? If we do not put in place the mechanisms or infrastructure to deal with the legislation that is brought in, it is just all spin and no substance. The issue of DNA testing has been highlighted before and there is clearly a need for action. As I have signalled to the minister, I will reserve my comments on the amendment for the committee stage of the bill. I also have some queries and comments on the amendments to the Courts Legislation (Judicial Conduct) Act.

With those few comments I look forward to the committee stage. If that is concluded successfully, the opposition will be happy to pass the legislation.

**Hon. P. R. HALL** (Gippsland) — The Justice Legislation (Miscellaneous Amendment) Bill amends 11 acts and they are described in the second-reading speech as minor technical amendments and primarily of a mechanical nature. Certainly some of them fit within that category. They range from the removal of a decimal point in the Public Notaries Act through to more substantial changes in the Constitution Act regarding judges salaries.

In terms of the description of minor technical amendments I have a technical question to pose in this debate. The second-reading speech distributed in this chamber starts at page 6 of 13 pages — it is noted at the bottom of page 1 — and concludes at page 10 of 13 pages. It looks complete in itself, but it is labelled as I have described it. My technical question is: am I missing something, because that is how the second-reading speech was distributed in the chamber?

**Hon. J. M. Madden** interjected.

**Hon. P. R. HALL** — It shows the research I do when I am prepared to look at all aspects of legislation that comes before this chamber.

The bill amends 11 acts of Parliament, but given the amendments that have been foreshadowed it means the bill will ultimately amend 12 acts of Parliament.

As the Honourable Chris Strong said, we were interrupted last night because proceedings could not be recorded, and that was when I first learnt that additional amendments were to be moved in the chamber. I accept it was an oversight that members of the opposition and The Nationals were not informed prior to debate commencing that these amendments were to be

considered by the Parliament, and I appreciate the offer for a briefing. The break in proceedings facilitated the possibility for a briefing, but because of my commitments in the house this morning I have not taken up that opportunity. I appreciate Ms Mikakos giving me a quick verbal briefing on these matters last night, and on the surface there do not appear to be any problems with them. I have spoken to the Leader of The Nationals in the other house, Peter Ryan, who is also The Nationals spokesperson on these areas, and no doubt he will be briefed prior to the Legislative Assembly giving consideration to these additional amendments.

We are happy to allow the legislation to be passed on the basis that, on the surface of it, there appear to be no problems with these additional amendments. That they are minor amendments primarily of a mechanical nature is a fair description of them. I shall comment on a couple of them. The first is the amendment to the Crimes Act, which concerns forensic procedures. I endorse the comments made by the Honourable Chris Strong that there is a serious issue this government needs to address in respect of the backlog in forensic procedures. I know there are many good serving police officers in the state who are frustrated by the fact that forensic evidence is not being analysed in an appropriate time frame. The government needs to put more resources into ensuring that those forensic procedures can be completed in a far more timely fashion.

I shall make a quick comment about the amendment to the Serious Sex Offenders Monitoring Act. That important new act of Parliament was introduced last year. I welcome the fact that two new commonwealth offences will be added to that legislation to prohibit the trafficking of children, which is entirely appropriate. It is abhorrent for any of us to think that some low people could be involved in the trafficking of children.

I also want to make a quick comment about the Working with Children Act 2005, which was considered and the backlog in the Parliament last year. I note that the second-reading speech says this amendment:

... gives effect to the government's decision that all registered Victorian teachers will be exempted from the requirements of the working-with-children scheme, the bill provides for an expansion of the act's definition of a 'registered teacher'.

Those people involved in teaching who are registered with the Victorian Institute of Teaching (VIT) but may not have formal qualifications will now receive an exemption. The second-reading speech says that these people might be involved in teaching subjects such as

dance, music or a foreign language. It is appropriate that people who may have special skills but not formal qualifications, who are registered with VIT and so have gone through the appropriate police checks, be given the same exemption as teachers registered through VIT.

Lastly I shall comment on the amendments to the Victorian Civil and Administrative Tribunal Act. I note the comment about VCAT that these amendments are designed to:

... improve the efficiency and timeliness of proceedings before the tribunal.

An enormous range of different matters are now dealt with under the umbrella of VCAT, and I wonder how it manages the huge workload and the diversity of subjects it is required to consider. This is a technical amendment. As I understand it, it will allow some discretion for former members of VCAT to appear before their formal list in appropriate cases. If that improves the efficiency of VCAT, then I am happy to lend the support of The Nationals to that amendment as well.

To sum up, this bill is complicated in that it will amend 12 acts of Parliament. However, most of the amendments are of a technical nature, and The Nationals are prepared to support them.

**Ms MIKAKOS** (Jika Jika) — I am pleased to rise to speak in support of the Justice Legislation (Miscellaneous Amendments) Bill. I say at the outset that I want to assure the Honourable Peter Hall that the second-reading speech he has is a complete copy of the second-reading speech. It seems that debate on this bill has been fraught with technological glitches, including the collapse of the sound system yesterday, when we first began debate on this bill. Obviously it appears that in the process of copying the second-reading speech the automatic numbering on the document went astray, but it is a complete second-reading speech.

This bill provides a number of technical amendments to 12, not 11, different acts of Parliament, including the constitution, which are necessary to keep the laws of this state current and responsive to the changing needs of Victorians. While largely technical in nature, the amendments are essential to ensuring that the justice system continues to function appropriately. I do not propose to go through each of the technical amendments contained in this omnibus bill, but I shall highlight some of the key changes. In particular, changes to the Constitution Act 1975, which restore an entitlement to elect to retire for judicial officers appointed to the Supreme or County courts in a set period in 1995, will require that the bill be passed by an

absolute majority. There are also changes to the Serious Sex Offenders Monitoring Act 2005 to ensure consistency with the Sex Offenders Registration Act 2004 and the Working with Children Act 2005.

As members have already alluded to, the house will also be asked to consider technical house amendments, which I foreshadow, which will enable a proper system for the election of the legal practitioner members to the Legal Services Board through amendments to the Legal Profession Act 2004. These house amendments will mean that 12 different acts of Parliament will be affected by this bill. The house amendments will seek to clarify that the current clause 5 of schedule 1 to the Legal Profession Act 2004 provides for a system of preferential voting for the election of the advocate member to the Legal Services Board, and will also insert a new clause in the schedule to provide for a system of preferential voting for the election of the two non-advocate members to the board. I understand the house amendments have the full support of both the board and the Victorian Electoral Commission.

A number of older pieces of legislation are also in need of minor modification, but it is important to see these amendments in the context of a number of significant reforms that have occurred in the past. This is an indication that the Bracks government is willing to address inconsistencies in the law, and it has acted previously on the concerns raised by the committee, for example, on how serious sex offenders are dealt with by society. The government has previously ensured that victims of crime have received appropriate systems and support within our criminal justice system.

Through legislation such as working-with- children legislation we have set the minds of parents at rest as to who will be looking after their children. We have also ensured through the Serious Sex Offenders Monitoring Act 2005 and the Sex Offenders Registration Act 2004 that criminals who commit these horrid crimes are monitored to keep them from committing further criminal acts.

As with all legislation, there has been appropriate consultation. This bill is indicative of the leadership the government has provided in the justice area. It also indicates that this government is prepared to consider that sometimes it is not possible to get everything absolutely right in the first instance, that sometimes it is even necessary to see how legislation operates before the true implications of changes can be ascertained and finetuning can occur. We do not shy away from this type of work where it is necessary, because it is part of the job of governing effectively for all of Victoria, and

that is what the bill is about. With those words, I commend the bill to the house.

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I rise to indicate that the opposition supported the initial bill and will support it in its entirety, with the government's proposed amendments.

Firstly, I remind members of the history of the bill. Last year I moved a private member's bill to try to make additional changes to the Serious Sex Offenders Monitoring Act 2005. Just to put the amendment in part 9 of the bill in some context, it inserts a new section so that the offence of trafficking in children or domestic trafficking in children will be similar to the criminal code of the commonwealth.

I suggest that with all the amendments in this omnibus bill we have again missed the opportunity to include the definition of rape. For the life of me I cannot understand why we do not move down that path. Here is another amendment to justice legislation, with another opportunity for the government to use its resources to solidify very clearly in the minds of members of our society that we will monitor not only serious child sex offenders. The principal act should really be called the serious child sex offenders monitoring act, not the Serious Sex Offenders Monitoring Act. It is a nonsense to suggest that the act covers sex offences other than those committed against children. The annoying thing is that generally people believe there is in place a law that provides some level of support for monitoring through extended supervision orders. We have again missed an opportunity, and the opposition certainly would have supported such an amendment. The bill is clearly headed Justice Legislation (Miscellaneous Amendments) Act 2005 — it was circulated in the other place in November last year — so there has been no urgency to pass it.

I put on the record also that last year in the debate on my private member's bill members of the government went to great lengths to demonstrate again the lack of detail provided in that bill. For the record also, members of the opposition do not have the full force of the support of departments, the bureaucracy and legal counsel. I confess that I was somewhat amused to discover that later the house will have to go into a committee stage to agree to amendments proposed not by the opposition but by the government. The government introduced this piece of legislation back in November last year, and its members have had their Christmas break. Now we are almost into April and the government is proposing to move amendments to the bill in the Council.

It shows the literal incompetence and audacity and hypocrisy of the government that its members could criticise the fact that the opposition tried to have accepted a piece of legislation that would have benefited Victorians by providing a greater level of protection against not only the Mr Baldys but people like the silver gun rapist and others, when the government, with the huge number of bureaucrats it has added to and the millions of dollars it spends each year on employing extra fat cats and paying over-the-top increases to the bureaucracy, still cannot get legislation right.

I considered it a fair cop last year when I moved a private member's bill. We tried to do it as best we could as bush legislators. When members consider what we did in trying to benefit and help the people of Victoria and look at the legislation before the house, they will see, firstly, that the government cannot get it right in ensuring that the amendments make the legislation appropriate, in particular in part 5; and secondly, now there are amendments proposed, not by the opposition but by the government.

I know that there was an urgent briefing, and I thank the government for providing it. I could not attend that briefing because I was speaking on the Infringements Bill that was before the house earlier so that the other Liberal lead speaker, the Honourable Chris Strong, could attend and understand the proposal. That is not the way to run things in this house. I have said it before and I will say it again: if members opposite cannot manage business in the chamber, how on earth do they manage government in this state? The reality is that we know they do not. People know they are incompetent in the way they manage the state.

**Ms Mikakos** interjected.

**Hon. RICHARD DALLA-RIVA** — Every time I say that members opposite are incompetent, I always get the arc up. It is like pulling wings off flies with this mob — you always get a reaction. As soon as you start on the judiciary the typical reaction is that Ms Mikakos and other government members get all sensitive about it.

I suggest that we should also have looked more in particular at part 5, which is an amendment to section 12 of the Courts Legislation (Judicial Conduct) Act, headed 'Commissions of Judges'. I think it is fair to say that recently there has been some questionable conduct by judicial officers.

As I said in my earlier speech, I am a member of the Law Reform Committee, which has considered some of

the things in other states, such as the Independent Commission Against Corruption in New South Wales and the similar organisations in Queensland and Western Australia. One case should be referred to — that is, when a magistrate heard in camera some matters on speeding fines in order to, in my view, look after the registrar and deputy registrar. I understand there has been an investigation, and that has been reported in the papers in recent weeks.

If we are going to talk about commissions of judges in the amendment in part 5 of the bill, we must be fair dinkum about the judicial conduct of our law officers. It is not acceptable just to drag a magistrate back to Melbourne as part of the overall review. We can compare that with some of the cases heard in Queensland, where a magistrate in one case did certain things and the matter ended up going to the High Court. Members will recall that case. The reality is that in other states the position is that any interference by the judiciary is taken very seriously.

Part 5 is about the commissions of judges. It is important that we pay them well. People say, 'Let's pay the bureaucracy more', and, 'Let's just keep taxing everyone more', but if there is any misconduct or breach or if there are matters that really go to the very heart of the judicial foundation of the state, we seem to gloss over them. We say, 'It's all right. It's another thingo. It's another \$20 million for the Commonwealth Games — don't worry about it. It's just another gloss-over. Whatever it is, don't worry; we're all smiling, showing our teeth. Don't worry about any corruption activities in this state. Don't worry about it'. We have had 20 people murdered while they were on bail. People say, 'No, the judiciary is all right. We'll just put some minor legislative changes in a bill before the house and smile. It's all wonderful. We'll put out another press release'.

It is all spin, lies and mistruths out there in the community. This government really has no idea about what is going on out in the real world. Government members would like to think everyone is smiling and well. They bring in this piece of legislation, an omnibus bill, and make some minor amendments, but they cannot get it right.

**Hon. J. M. Madden** — Get to the bill!

**Hon. RICHARD DALLA-RIVA** — As I said to the previous minister, if you cleared the wax out of your ears you might have understood that so far I have spoken about part 5 and about part 9, and I have gone into great depth. Clearly those in government only hear what they want to hear and only deliver the spin they

want to deliver. The minister does not worry about the cost of the Commonwealth Games. It is only an extra \$50 million. He says, 'That is all right. We will be right. The Victorian taxpayer can wear that.'

**Hon. J. M. Madden** interjected.

**Hon. RICHARD DALLA-RIVA** — The minister says we should not worry about that, that it is only the Commonwealth Games. It is another \$50 million — and by the way, the budget blew out by an extra \$100 million or whatever it was. We are not to worry because the government will put out some good press releases. We will have a smiling face on a glossy document that is all spin and rhetoric telling us how wonderful everything is. We can all smile. Hallelujah! The sun is shining and the Bracks Labor government is in power. We need not worry about corruption and all the gangland killings. Everything is fine. We have a minor, omnibus bill before the house, and that is just fantastic.

**Hon. J. M. Madden** interjected.

**Hon. RICHARD DALLA-RIVA** — The minister is smiling. They are all smiling in the backblocks. They have their preselection sorted out, and they are wonderful. This is wonderful for them — absolutely wonderful!

In my view, all that demonstrates exactly what this bill is about. It is a piecemeal pile of garbage put together to sort out some of the trivial outcomes that this government deals with. There is nothing in depth, and that is what I am getting at. This is an omnibus bill that does nothing on the real issues. It does nothing about dealing with real sex offenders and extended supervision orders. It does nothing about dealing with corrupt activities or alleged corrupt activities that may occur in this state. It is a piece of legislation that wastes our time, and I hope it passes quickly.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

1. Clause 1, page 2, line 15, omit "2005." and insert "2005; and".

I propose that an amendment to the bill be moved to include an amendment to a further piece of legislation related to the justice portfolio, the Legal Profession Act 2004.

Like the other amendments in this bill, the proposed amendment is technical and mechanical in nature. The amendment is necessary to facilitate a proper system of preferential voting for the election of legal practitioner members to the Legal Services Board, a system which is consistent with the new member arrangements under the Legal Profession Act 2004.

The Legal Profession Act 2004 commenced operation on 12 December 2005 and established new bodies to regulate the legal profession in Victoria. The Legal Services Board is the peak regulatory body within the new regulatory framework. The board is broadly representative with a membership consisting of consumer and legal practitioner representatives and experts in financial management. The initial members of the board were appointed by the Governor in Council. However, the three legal practitioner representatives have been appointed until 30 June 2006, until which time those positions are required to be filled by election by the legal profession. The election for these positions must be held on 31 May 2006. The newly elected members commence their positions on 1 July 2006.

Under the act, one of the three legal practitioner members is to be an advocate member who will represent barristers on the board, and the other two legal practitioner members are to be non-advocate members who will represent solicitors on the board. This is a change from the requirements under the previous act where the three legal practitioner members were elected from separate advocate, non-advocate and combined roles. The act abolished the combined role and accordingly the need for a combined role member on the board to more accurately reflect the composition of the legal profession.

Currently the act provides for a system of preferential voting. If there are more than two candidates for the election of a member, the system, however, more accurately reflects the previous arrangements that were in place when there was a member position for the combined role. It does not reflect the new arrangement where there are two non-advocate member positions to be filled by the election. This was not intended. The act should provide a system of preferential voting in relation to the election of the advocate and the two non-advocate members. A failure to amend the act to provide for such a preferential voting system will result in a flawed election process for the board.

It is therefore proposed to amend the act to clarify that the current system of preferential voting provided for in the act applies to the election of the advocate member to the board and to insert a new clause in the act to provide for a system of preferential voting for the election of the two non-advocate members of the board. The proposed amendment has the support of the board and the Victorian Electoral Commission.

**The ACTING CHAIR (Hon. J. G. Hilton)** — Order! The question is:

That the amendment be agreed to.

**Hon. C. A. Strong** — Are we still on clause 1?

**The ACTING CHAIR (Hon. J. G. Hilton)** — Order! Yes, we are on clause 1.

**Hon. C. A. Strong** — Is the minister dealing with his amendments 1, 2 and 3?

**The ACTING CHAIR (Hon. J. G. Hilton)** — Order! He is dealing with his first amendment at the moment.

**Hon. C. A. Strong** — But he was just talking at some length about no. 3.

**The ACTING CHAIR (Hon. J. G. Hilton)** — Order! He has canvassed the issues for the other amendments.

**Hon. C. A. Strong** — I wish to return to his amendment 3, and I seek your guidance as to whether I do that when we get to amendment 3 or now.

**The ACTING CHAIR (Hon. J. G. Hilton)** — Order! You can speak later in the committee stage, Mr Strong.

**Amendment agreed to.**

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

2. Clause 1, page 2, after line 15 insert—

“( ) the Legal Profession Act 2004.”.

**Amendment agreed to; amended clause agreed to; clauses 2 to 4 agreed to.**

**Clause 5**

**Hon. C. A. STRONG** (Higinbotham) — Part 5 amends the Courts Legislation (Judicial Conduct) Act 2005. As we have heard from Mr Dalla-Riva, there quite clearly is a need — certainly in the case of the

Warrnambool magistrate he was talking about — for this particular piece of legislation to be in operation. I note that we are amending it in this bill, but I also note that this piece of legislation received royal assent on 24 May 2005, but the only sections to receive royal assent were sections 1 and 2, the purpose and the commencement.

The remainder of the act deals with the process of how the committee will work, the people who will be on it and how it will operate, but it has not been proclaimed; yet the bill was passed 12 months ago. My question is twofold: why has it not been proclaimed; and when will it be proclaimed so that the tribunal will come into existence?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the member for his question. My understanding is it is intended to be proclaimed very shortly, but also I understand that there is a default position within the bill. If it is not proclaimed within a short period of time, it will be proclaimed in June anyway. As I understand it a date has been set for proclamation, and if it is not proclaimed before then, it will be proclaimed by virtue of that date within the act.

**Hon. C. A. STRONG** (Higinbotham) — I thank the minister for his response. We have been led to understand — and I seek the minister’s confirmation or otherwise on this — that one reason the tribunal has not been set up and the act proclaimed is there has been difficulty getting members to serve on this board, which is made up, I think, of retired interstate judges and the like. Could the minister say if that is true?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank Mr Strong from his inquiry. I do not have that information available today either at the table or from my advisers on the legislation, but I will seek to get that information to the member in writing at a future date.

**Clause agreed to; clauses 6 to 11 agreed to.**

**Clause 12**

**Hon. C. A. STRONG** (Higinbotham) — Clause 12 will be subject to amendment by the minister’s amendment no. 3. The minister has explained the situation, that two solicitors were to be appointed as members of Legal Services Board under the provisions of what will be the Legal Professions Act 2004. However, that bill had been drafted in such a way that it did not include a method by which they would be elected.

The situation is a little like what happened with the Courts Legislation (Judicial Conduct) Act that I have been talking about. We on this side of the house are rather amazed that some of these things are not being dealt with. We passed a bill that was similar in purpose to the judicial conduct legislation — yet here we are, 12 months later, and that bill has not been proclaimed. That happened, I think, 9 or 12 months after the house passed the Legal Professions Bill.

Clearly, it is not yet in operation because the members have not been elected to the board — only because there is no method for selecting them. This is all just a little bit Heath Robinson all over the place!

We do not object to the amendment, but we are simply surprised in every way that some of this stuff has not been dealt with, thought through and done properly. This example highlights the delays that are occurring. We rushed these bills through; they were subject to the guillotine under a government business program motion to ensure they passed, yet here we are — in one case, 12 months; and in another case, 9 months later — with nothing having happened.

On behalf of the Liberal Party, I say it is all very well for the Department of Justice pumping out this legislation as if there were no tomorrow, but two things are required: one is that it actually proclaims it, and it works out; two, as Mr Dalla-Riva said, there is more to dealing with crime, and law and order, in this state than just pumping out legislation. The Liberal Party is concerned as to what this clause means rather than with the clause itself. With those comments, I thank the minister for his submission.

**Clause agreed to; clauses 13 to 28 agreed to.**

**New clause**

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

3. Insert the following Part heading and New Clause to follow clause 28—

**“PART 13— AMENDMENT OF LEGAL PROFESSION ACT 2004**

**AA. Legal Services Board elections**

- (1) For the heading to clause 5 of Schedule 1 to the **Legal Profession Act 2004** substitute—

**“Preferential voting for advocate member”.**

- (2) After clause 5(2) of Schedule 1 to the **Legal Profession Act 2004** insert—

“(3) This clause applies to the election of the advocate member.”.

- (3) After clause 5 of Schedule 1 to the **Legal Profession Act 2004** insert—

**‘5A. Exhaustive preferential voting for non-advocate members**

- (1) This clause applies to the election of the non-advocate members if there are more than 2 candidates.
- (2) The first vacancy is to be filled in the manner specified in clause 5(2) for determining the result if there are more than 2 candidates for election of a member and, for that purpose, a reference in clause 5(2) to a “defeated candidate” or a “non-defeated candidate” is to be construed as a reference to an “excluded candidate” or a “continuing candidate” as the case may be.
- (3) The second vacancy is to be filled as follows—
  - (a) all the ballot-papers (other than the ballot-papers which are rejected) are to be rearranged under the names of the respective candidates for which a first preference is indicated;
  - (b) the ballot-papers on which a first preference is indicated for the elected candidate are to be placed in the parcel of the continuing candidate next in order of the voter’s preference;
  - (c) the total number of votes given to each continuing candidate is to be ascertained;
  - (d) the candidate who has received the greatest number of votes, if that number constitutes an absolute majority of votes, is to be declared elected;
  - (e) if no candidate has an absolute majority of votes—
    - (i) the candidate who has received the fewest votes is to be declared an excluded candidate; and
    - (ii) the ballot-papers counted to the excluded candidate are to be distributed amongst the continuing candidates next in order of the voters’ preference; and
    - (iii) the total number of votes given to each continuing candidate is to be ascertained; and
    - (iv) the candidate who then has received the greatest number of votes, if that number constitutes an absolute majority of votes, is to be declared elected;

- (f) if no candidate then has an absolute majority of votes the process of declaring the candidate who has the fewest votes an excluded candidate and distributing the ballot-papers amongst the continuing candidates next in order of the voter's preference is to be repeated until one candidate has received an absolute majority of votes and is declared elected.
- (4) If on any count 2 or more candidates have an equal number of votes and one of them has to be declared an excluded candidate the result is to be determined by lot.
- (5) If on the final count 2 candidates have received an equal number of votes the result is to be determined by lot.
- (6) In this clause, "continuing candidate" means a candidate not already elected or excluded from the count.'."

**Hon. C. A. STRONG** (Higinbotham) — For the record, when I was making my comments on the last clause, clause 12, I mistakenly thought that we were dealing with the present clause. My comments on clause 12 were in regard to the minister's amendment no. 3. I would like that to be on the record.

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I am happy to acknowledge that those comments were made in relation to that clause. I anticipated that that was what they were in relation to.

**New clause agreed to.**

**Hon. C. A. STRONG** (Higinbotham) — I would like to congratulate the Chair for his brilliant chairing of this committee stage, which has allowed us to get through without too much confusion.

**The ACTING CHAIR (Hon. J. G. Hilton)** — Order! I thank Mr Strong.

**Long title**

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

4. Long title, omit "and the **Working with Children Act 2005**" and insert "the **Working with Children Act 2005** and the **Legal Profession Act 2004**".

**Amendment agreed to; amended long title agreed to.**

**Reported to house with amendments, including amended long title.**

**Report adopted.**

**Ordered that bill be read a third time later this day on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Sitting suspended 12.49 p.m. until 2.03 p.m.**

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Hazardous waste: Nowingi

**Hon. D. McL. DAVIS** (East Yarra) — My question without notice is to the Minister for Major Projects, Mr Lenders, who has responsibility for delivering major projects on time, on budget and without major legal delays. His government has appointed a Labor mate, Professor Bill Russell, to the Hattah-Nowingi environment effects panel, thereby exposing the process to legal challenge on points of bias and preconception as outlined by counsel for Mildura Rural City Council at Monday's directions hearing. Will the Minister for Major Projects advocate to preserve an independent process beyond legal challenge and therefore, the replacement of Professor Russell, a Labor mate?

**Mr LENDERS** (Minister for Major Projects) — Let me say in opening that I find it absolutely extraordinary that Mr David Davis — Mr Green Davis in his incarnation in this place — should get up on his feet and pontificate on the long-term containment facility and environment effects statement process in Nowingi in this late, new-found interest by members of the Liberal Party, who would not even know where Nowingi and the Mallee were —

**Hon. Philip Davis** — On a point of order, President, the Leader of the Government is being unnecessarily belligerent. He would know that I and many of my colleagues have visited the site of the government's toxic dump on several occasions.

**The PRESIDENT** — Order! I ask the minister to continue his response. With respect to the point of order, I think there are some members on my left who know where Nowingi is and have known where it is for a period of time. I ask the minister to continue.

**Mr LENDERS** — I suspect Ms Lovell thinks Nowingi is somewhere to the east of Omeo. But leaving that aside, the substantive question that Mr David Davis asked is whether I, as Minister for Major Projects, will intervene. I will not go into his grubby cowards' castle routine of besmirching members of a panel as to where he thinks they come from, but I will say this: firstly, Planning Panels

Victoria has a number of members on it. It chooses who it recommends to the Minister for Planning as to who goes on panels dealing with it. If Mr David Davis has any issues about that, I suggest he raise it first and foremost with the Minister for Planning in the other place.

Secondly, this question is fascinating because it comes from Mr David Davis, who was a member of the shameful Kennett government which would not have known process from probity if it tripped over it. It appointed the parliamentary secretary to the Premier to be chair of the Public Accounts and Estimates Committee as a watchdog. It appointed mates across the board everywhere it went. It did not get Parliament to sit, gutted the Auditor-General, got rid of courts and did everything it could in order to remove transparency, yet Mr Davis has the bald-faced cheek to come into this place and lecture this government about an environment effects process which has gone on for a very long time.

It has gone on for a very long time because we have to sort through this process — through the 24 reports that Mr Bishop talks about frequently and the supplementary reports — to get materials in place for the community. We have a process. If we are going to be criticised for anything, it should be that the process has taken a long time. That is because we are addressing those requests from the community to get information.

I say to Mr David Davis that if he has an issue with the Minister for Planning, he should raise that issue with the minister, but on the general issue — —

**Hon. D. McL. Davis** interjected.

**Mr LENDERS** — Mr David Davis says it is a strange way of saying he is asking me, when he uses this place to besmirch the reputation of honourable members of the community and in a cowardly fashion besmirches the names of people on Planning Panels Victoria when he has shown no interest in Nowingi.

Three years ago Mr Savage, the member for Mildura in the other place, had an interest in it; two years ago Mr Bishop had an interest in it, and he has had an ongoing interest; but the Liberal Party could not even put a submission in. There were 1700 submissions to the EES process, and the Liberal Party could not even put a submission in, so Mr David Davis has a new-found interest — —

**Hon. D. McL. Davis** — We did.

**Mr LENDERS** — A late submission, yes, when I pointed out in this house that the Liberals had not put one in. In response to Mr Davis, I suggest that he put his question on notice to the Minister for Planning, and he might get an answer.

*Supplementary question*

**Hon. D. McL. DAVIS** (East Yarra) — What an extraordinary response by the minister in an attempt to evade the issue. The minister made comments about the Planning Panels Victoria process. Is the minister aware of Professor Russell's sudden addition to Planning Panels Victoria in December 2005 and that this may open the panel to legal questions involving stacking and partisan political appointments, and will the minister assure the house that no delays to the legal action will occur as a result of Labor's partisan appointment process?

**Mr LENDERS** (Minister for Major Projects) — I know now why the Deputy Leader of the Opposition is not here for this question time, because she would have needed a bucket when she heard that question being asked!

I remind Mr David Davis that bodies like Planning Panels Victoria and bodies like the courts have renewal from time to time. They do not have the same number of people on them for all time, so there is an ongoing process of renewal. I suggest to Mr Davis that if he expects me to comment on issues that are before the Victorian Civil and Administrative Tribunal, he will not get it from me as a minister. But he can rest assured that this government, unlike the government he was a part of, actually respects the EES process and has put an enormous effort into getting the questions of the Mildura community addressed by that EES process. We do not go through political stunts, like members of the Liberal Party, who do not have an interest in this issue until they think there is some political mileage in it. Russell Savage and The Nationals have left in a cloud of dust, and the Liberal Party is desperately trying to catch up.

**Minerals and petroleum: exploration**

**Hon. R. G. MITCHELL** (Central Highlands) — My question is to the Minister for Resources. Can the minister advise the house how the Bracks government is making it happen in regional Victoria, and in particular of any recent figures from the Australian Bureau of Statistics regarding the minerals and petroleum exploration industry in the state and what those new figures mean for provincial Victoria in particular?

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — The latest Australian Bureau of Statistics figures are fantastic news for Victoria. The figures show that mineral exploration is growing faster in Victoria than in any other Australian state. Those figures show that mining exploration expenditure jumped 63 per cent to \$26.3 million in seasonally adjusted terms — the highest quarterly level of expenditure in this state since 1988. This is why the sector is booming. It is probably no wonder, as a result, that the Leader of the Opposition, who is shadow minister for energy and resources, after 99 days has still not asked me a question on the resources part of my portfolio nor issued a media release. It is no wonder because the good news keeps rolling in in this area.

**Hon. Philip Davis** interjected.

**Hon. T. C. THEOPHANOUS** — He can yell interjections, but he cannot formulate a question in the resources area. When you look at what has been happening, you see Victoria's share of mineral exploration expenditure reached 8.4 per cent of national expenditure — the highest since September 1988. Petroleum exploration expenditure in Victoria has jumped by 28 per cent over the previous quarter to \$29.1 million, reflecting the state's booming resources sector.

Victoria is clearly now the place to be for mining and petroleum exploration and development. Let me give the house one figure to illustrate this. When the Bracks government came to office employment in the entire resource sector was estimated to be around 4000 people. It is now 10 000 people and climbing. That means an extra 6000 families are getting employment directly in regional Victoria as a result of the policies and efforts of this government. It is not just 6000 families, because if you add the flow-on benefits and the flow-on jobs, we estimate that more than 20 000 extra people are being employed in regional Victoria just in the resource sector as a result of this government coming to power. That is more than 20 000 people in regional Victoria that have employment, that are raising families and that are contributing to the economic rise in regional Victoria and a booming economy in many parts of the state.

Let me give one example, because we are continuing to make the policies and put them into place. We recently announced in the provincial statement an extra \$27 million to encourage further investment in Victoria's earth resources industries, including \$9 million in the new initiative Gold Undercover. If you look at gold production in this state, you see we now have the \$350 million Bendigo Mining project, the

\$55 million Ballarat Goldfields project and the \$99 million Perseverance project. Victoria is booming in the resources sector as a result of this government's action, and we are very proud of that record.

**Local government: campaign donations**

**Hon. J. A. VOGELS** (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. Section 62 of the Local Government Act requires candidates to disclose all donations that are valued at \$200 or more, including gifts in kind, as well as the aggregated value of multiple gifts from a single source. The time line to submit campaign donations is 60 days after an election, and I ask: as 60 days have well and truly elapsed since the last council elections, can the minister inform the house how many candidates have not abided by the law?

**Ms BROAD** (Minister for Local Government) — I thank the member for his question and for his acknowledgment of these very important requirements which the Bracks government has put in place under the Local Government Act, with far more accountability required than was ever required under the previous Liberal-National government. Those requirements are now in place, and they applied to the last round of council elections. All councils have been reminded by my department of their obligations. Councillors and candidates have been followed up, and they have very much appreciated that assistance in meeting those requirements under the act. We are not yet at a stage of any recommended action against any candidates who have not complied, so I will seek that information from my department. I understand that to date there has been a lot of activity in ensuring compliance with those new requirements. This is the first time they have been applied, and for that reason, candidates are being given every assistance to meet the requirements.

*Supplementary question*

**Hon. J. A. VOGELS** (Western) — I thank the minister for her answer. It is easy to make a law, but will the minister take action against candidates who have broken the law by accepting donations from a single source above \$200 and candidates who have failed to lodge a return? That is the question: will the minister take action?

**Ms BROAD** (Minister for Local Government) — The government would not have introduced these new accountability measures under the Local Government Act if it did not expect candidates to comply with them and if it did not intend to ensure that they are enforced.

It certainly does expect that. But as this is the first time that the accountability measures have come into effect, we think it is fair and reasonable to give candidates every assistance in ensuring compliance. That is what my department is doing in the first instance, and I very much hope we will find at the end of the process that it will not be necessary to take action against individuals. But if at the end of the process, after every assistance has been rendered, we find that there is not compliance then that is what will happen.

### **Gas: supply**

**Mr VINEY** (Chelsea) — My question is to the Minister for Energy Industries. Can the minister advise the house of any recent developments in the oil and gas industry in Victoria that have led to the state having a more secure supply of gas into the future and what assessments the government has made of the future of the gas industry?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the member for his question. I can advise the house that with great pleasure earlier this month I officially opened the Casino gas project, located near Port Campbell and operated by Santos and TruEnergy. This was the launch of a \$200 million project, the Santos Casino project, which has once again confirmed Victoria's reputation as the energy hub of south-eastern Australia.

I must say that the Honourable John Vogels was also present at the launch. It was good to have Mr Vogels at that launch. Once again the Leader of the Opposition and my shadow could not find the time to come — to a \$200 million launch — but it was good to have Mr Vogels there anyway.

**Hon. Philip Davis** — Why didn't you fly me down there, Theo?

**Hon. T. C. THEOPHANOUS** — The member asks, 'Why didn't you fly me down there?'. This is what this shadow minister expects. He wants us to provide the briefing, he wants us to tell him about all the information and then he wants us to actually fly him down there well to attend a project he has had absolutely nothing to do with!

I can report to honourable members that one of the things that was happening down there was that there were a lot of flies — they were everywhere, the flies. Members might not know this, but Mr Vogels has got a farm just upwind of this particular project, and the only Liberal contribution was all these flies we had roaming

around during the launch! That is the contribution from the Liberal Party to development in this state.

However, the project has created 300 jobs during its construction and more than 1000 other flow-on jobs in the community as well. This project means another 285 petajoules — enough energy to heat a hot shower, I am told, for every Australian every day for over four years — will now be available for the Victorian market. It is a significant amount of gas; I understand it can provide 10 per cent of Victoria's total gas needs.

**An honourable member** — How much?

**Hon. T. C. THEOPHANOUS** — Ten per cent, so it is another very important project in building our capacity in relation to gas.

But it is not just this particular project. In this Victorian sector some \$2.5 billion in new projects are expected to come online during the course of this year alone. That is \$2.5 billion of investment in one sector in one year. It is a phenomenal achievement, and it includes projects like the Woodside Otway project, which is a \$1.1 billion project; Origin Energy's BassGas project, valued at \$450 million; and a range of others.

Finally, let me just say on this issue of gas supply that we came into government with the legacy of Longford. An explosion at Longford, in which people lost their lives, left the state without gas for two weeks. This state now has an infrastructure that other states are jealous of, with new supplies of gas and with connections to other states, so that we will never again have a Longford occur.

### **Liquor: Bendigo licence**

**Hon. D. K. DRUM** (North Western) — My question without notice is to the Minister for Consumer Affairs and concerns the Happy Jack's store at Lockwood South and its application for a liquor licence. Whilst the minister has previously supported a view that is contrary to the views of Tourism Victoria, Bendigo Tourism, the City of Greater Bendigo and 700 nearby residents who have signed a petition in support of the store's application, can she inform the house as to the results of the further investigations she promised this house she would undertake on this matter in February of this year?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — As I have indicated in this house before on the issue of the rights or obligations of the director of liquor licensing to issue a licence in this state — and under certain circumstances exemptions can be sought with my approval — I always follow the

recommendations of the director. Where issues are raised pursuant to those matters, I then seek to have the director further investigate those matters. But I am reliant on someone I believe is a very efficient and good officer, in the director of liquor licensing, for the advice I receive.

There are complications in relation to the applications for this licence, which may not be something the member is aware of. This is not a simple issue; there are in fact a lot of complex matters in relation to this. On that basis I understand the director has been having a look at licence arrangements for the applicants, but there are complicated issues around that application. At this stage there have been no further developments in relation to that. But I also indicate that they have an ability to appeal the decisions on that matter to the Victorian Civil and Administrative Tribunal.

*Supplementary question*

**Hon. D. K. DRUM** (North Western) — Is the minister aware that if any of the 100 000 visitors who are due in the Bendigo region during the Easter weekend are staying in the Lockwood South region, they will have to make a 20-kilometre round trip to purchase liquor? And can the minister make this chamber aware of why Tourism Victoria has been officially gagged from supporting in writing its view that it believes the director of liquor licensing has made a mistake?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — I cannot answer for Tourism Victoria, nor should I. But I reiterate that if the applicants are dissatisfied in relation to the licence, they can appeal that decision to VCAT. I suggest that will deal with their matter once and for all.

**Information and communications technology:  
health services**

**Hon. J. H. EREN** (Geelong) — My question is to the Minister for Information and Communication Technology, the Honourable Marsha Thomson. The minister has previously informed the house about various ways the Bracks government is using information and communications technologies (ICT) to help build a world-class Victoria. Can the minister inform the house as to how the Bracks government is using ICT to deliver world-class health services to regional Victoria?

*Honourable members interjecting.*

**Hon. Bill Forwood** — I am afraid I could not hear the member's question.

**The PRESIDENT** — Order! If there were less noise on my left I am sure the member would have been able to hear the question. However, I also had some difficulty hearing it, so I ask the member to repeat it in a clear voice — and I ask for less noise.

**Hon. J. H. EREN** — My question is to the Minister for Information and Communication Technology, the Honourable Marsha Thomson. The minister has previously informed the house about various ways the Bracks government is using information and communications technologies to help build a world-class Victoria. Can the minister inform the house as to how the Bracks government is using ICT to deliver world-class health services to regional Victoria? Can you hear that, Bill?

*Honourable members interjecting.*

**The PRESIDENT** — Order! I think Hansard heard that!

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — That was a world-class delivery of the question!

The Bracks government is committed to making sure provincial Victoria has access to world-class services and infrastructure. That is the objective of the Bracks government when it comes to information and communications technology (ICT). Whether it be through our broadband framework, our information and communications technology (ICT) industry policy, our Connecting Communities plan or our e-government agenda, the Bracks government is always conscious of the needs of regional Victorians.

The Bracks government does not promote technology for technology's sake. We understand that technology is essential to drive economic growth and to ensure better government services. This is especially true for health services in regional Victoria. The Bracks government is in fact seen as a pioneer in developing world-leading, broadband-enabled health care applications that are delivering world-class services to provincial Victoria.

BreastScreen Victoria, through its mobile vans, will begin later this year to provide women in provincial Victoria with easy access to the world-class breast-screening technologies that women in Melbourne have been able to take for granted. This will be done through the world's first mobile wireless broadband application.

The \$7.7 million digital radiology project that is operating in the Hume Health region is improving the

speed of diagnosis and access to specialist clinicians for people in the north-east of Victoria, thereby improving patient care not only for trauma cases but also for cardiac care.

The \$2.8 million virtual health project is being conducted through the SouthWest Health Alliance, increasing access to specialist health services for people located in the 60 000 square kilometres from the west of Melbourne to the South Australian border.

This innovative use of broadband technology is helping to deliver a higher standard of services in the areas of obstetrics, treatment of renal conditions, improving access to specialist services and enabling triage services to be delivered closer to patients, expanding the range of services that smaller communities have access to.

For a person in Portland, these world-class services can eliminate at 10-hour round trip to Melbourne for a consultation with a specialist. The use of this technology is eliminating the divide between the city and the country.

Where the former Liberal government closed country hospitals and decimated regional health services, the Bracks government is delivering to provincial Victoria world-class health-care services using world-class ICT applications.

### Gas: Creswick supply

**Ms HADDEN** (Ballarat) — My question is to the Minister for Energy Industries. I refer to the government's \$70 million natural gas extension program and broken promises in relation to Creswick in particular. SP AusNet's glossy brochure is entitled 'Getting connected to natural gas is easy' but it is not so easy for the many households in streets in Creswick which have been denied connection. When will the minister make available the program's funding to SP AusNet so that those Creswick properties in streets such as King Street, Little King Street, Rogers Street, South Street, White Hills Road and Albert Street, which are within stage 1, get connections?

**Hon. M. R. Thomson** — Where do you live, Dianne?

**Ms HADDEN** — Creswick! Didn't you know?

*Honourable members interjecting.*

**The PRESIDENT** — Order! If Mr David Davis interjects one more time, I will remove him from the chamber. Mr Forwood should keep his eyes closed and his mouth shut.

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the President for her support in bringing the rabble to order.

I want to thank the honourable member for her question. I do so because it gives me an opportunity to talk about the government's \$70 million gas extension project. Before I do that I would like to say this is typical of the way this member has decided to operate. She comes in here and talks about a specific street, trying to divide a community up and trying to suggest that something is not going to happen when it is.

I am aware that the honourable member herself may be the beneficiary of this program or it may be that she thinks she is going to miss out in relation to the project. In that case, if it is a personal issue about her personally getting gas or whether she is going to miss out, maybe that is something that would be more appropriately raised with me privately rather than coming into the house and making some kind of pretence that this is about her caring about constituents in the Creswick area.

Let me just say this: we had a circumstance — —

**An honourable member** interjected.

**Hon. T. C. THEOPHANOUS** — You want to listen to this as well. Why don't you ask a question?

**The PRESIDENT** — Order! The minister will address the Chair.

**Hon. T. C. THEOPHANOUS** — We are very proud of this gas extension program. When the previous Kennett government was in power the only thing it did and the only thing you did, Mr Davis — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The Honourable Philip Davis will stop interjecting. Minister Theophanous will respond to the question through the Chair.

**Hon. T. C. THEOPHANOUS** — The only thing the previous government ever did in this area was to sell the gas industry. It privatised the industry and left country Victoria for dead. It took a Labor government to recognise that if we were to extend gas into regional Victoria, we had to put some government money into it. We did so, and as a result of this government putting in \$70 million towards the project — \$70 million more than the previous government had ever thought about putting in, because it had not put in a single cent — 33 towns in regional Victoria which did not have gas

before will now get gas. It also means that between 70 000 and 100 000 more Victorians will have access to the gas network.

I can tell the house that when regional Victorians are saving hundreds of dollars as a result of having gas connected to their properties it will not be the Liberal Party they will be thanking, because it never had a program like this, but the Labor government Labor will deliver the program to regional Victoria.

*Supplementary question*

**Ms HADDEN** (Ballarat) — The Labor government has been promising savings of up to \$30 000 per annum for medium-sized businesses that connect to natural gas. The Creswick businesses along the stage 1 distribution route have so far been denied connection by SP AusNet. Given the minister's response, will he direct funds from the \$70 million natural gas extension program to enable commercial businesses in Albert Street, Creswick, to also connect to natural gas?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — As I said before, we are very proud of the fact that there will be not just one business but hundreds of businesses in regional Victoria that will save money as a result of their connection to natural gas. The good news is that the rollout that has commenced will continue over the next months and result in regional Victoria being connected to natural gas.

**Ms Hadden** interjected.

**The PRESIDENT** — Order! Ms Hadden!

**Hon. T. C. THEOPHANOUS** — What is true is that we are delivering a program that is very popular in regional Victoria. We will deliver the program as much as possible within the \$70 million. We will deliver the program despite the noise from the opposition.

**Hon. R. G. Mitchell** — Put the monkey back in the chair.

**Hon. Andrew Brideson** — On a point of order, President, I heard an extremely offensive remark made by an honourable member opposite against Ms Hadden, and I ask that member to withdraw.

**The PRESIDENT** — Order! The member has been here long enough to know that if a member takes offence about something said to them while they are in the chamber it is up to that individual to take a point of order.

**Ms Hadden** — On a point of order, President — —

*Honourable members interjecting.*

**Ms Hadden** — I take a further point of order, President, on the disgraceful sounds coming from Mr Eren and Mr Mitchell. I have to put up with this day in and day out when I am sitting here. I ask for some protection from you, President. I have to put up with the disgraceful squawking and sounds from Mr Mitchell and Mr Eren every day, as well as comments that I find objectively offensive. The comment made by Mr Mitchell a moment ago and the further sounds uttered by Mr Eren and Mr Mitchell just then, which were audible to the whole chamber, I find offensive. I ask, President, that you ask them to withdraw and give me an apology in this chamber.

**The PRESIDENT** — Order! Mr Mitchell, the member has taken offence to your words. I find that they were offensive, and I ask you to withdraw.

**Hon. R. G. Mitchell** — I withdraw.

**Consumer affairs: rural and regional Victoria**

**Ms CARBINES** (Geelong) — My question is to the Minister for Consumer Affairs. Will the minister advise the house how the Bracks government is making it happen in regional Victoria, and in particular what recent compliance and enforcement measures are being undertaken to protect consumers in regional Victoria?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — I thank the member for her question. In Victoria we have a comprehensive suite of legislation and protective measures in place for consumers. I am proud of the fact that Victoria leads the way in consumer protection right around the country. That legislation is about ensuring that consumers get the protection they need and a fair go. Not only do we have laws in place but we have a vigorous compliance regime that stretches right across Victoria. Whether it is scams, unsafe products or goods that do not measure up, Consumer Affairs Victoria (CAV) not only investigates these complaints but also runs a proactive compliance exercise as part of its core activities. This is not just in metropolitan Melbourne or major regional centres but right across Victoria.

I inform members that this week CAV is currently undertaking a compliance and enforcement exercise in Warrnambool and surrounding districts, including Colac, Camperdown, Hamilton, Portland, Port Fairy and Koroit. To date there have been 275 inspections, with 53 warning letters issued so far and 4 verbal warnings. I am advised there was a failure by licensed motor car traders to keep appropriate and accurate

records and comply with consumer information requirements, particularly those relating to odometer readings. Two travel agents failed to meet their licence conditions. CAV inspectors found unsafe products such as baby cots, bunk beds and hot water bottles. All these items are subject to prescribed safety standards or permanent ban orders under the Fair Trading Act.

On a positive note, I was very pleased with the rate of compliance on the refund requirements and laws, which were being well adhered to by traders. Unfortunately that is not so true for lay-bys, and there is obviously a need for CAV to improve the education campaign among traders in relation to lay-bys. We understand the importance of vibrant and healthy regional economies, but in order to have those economies vibrant and performing well consumers need to have the confidence that they are being treated appropriately by traders in those towns.

Consumer Affairs Victoria will continue a proactive education campaign for traders right across Victoria. It will ensure that traders are given the opportunity to do the right thing. CAV inspectors will also ensure that where the right thing is not being done for consumers, action will be taken.

### **Environment: greenhouse gas emissions**

**Hon. A. P. OLEXANDER** (Silvan) — My question today is directed to the Minister for Energy Industries. I am delighted to ask him a question in the absence of any questions from the Leader of the Opposition for 98 days — or it could be 99 days!

I refer the minister to the predictions contained in the *Climate Change — Risk and Vulnerability* report released by the federal Minister for the Environment and Heritage, Senator Ian Campbell, last year, predicting that without action on greenhouse reductions the planet will rise in temperature by up to 6 degrees by 2070, with a 20 per cent reduction in rainfall, and rising sea levels. I further note that as a result of this report Senator Campbell has accepted that, ‘Some degree of climate change is inevitable because of greenhouse gases’.

I ask the minister: what are the Victorian government’s greenhouse proposals to address this important issue of climate change which, if not addressed, will affect generations of Victorians into the future?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the member for his very good and serious question.

*Honourable members interjecting.*

**The PRESIDENT** — Order! If members continue to interrupt question time, I will use sessional orders to remove them. This question time has been absolutely ridiculous. Some members are acting like schoolchildren instead of behaving like the professional people they are all supposed to be. I ask them to stop interjecting, show each other some respect and allow the minister, and Hansard in particular, to record the minister’s response.

**Hon. T. C. THEOPHANOUS** — There is no bigger issue facing our state and our nation in the energy sector than the issue of climate change. The implications of doing nothing about climate change are too horrendous to contemplate.

The honourable member has referred to the report *Climate Change, Risk and Vulnerability* that was issued by the federal government and indicates some of the consequences of us doing nothing over the next few years.

May I say that the Victorian government takes this issue very seriously. We have a number of programs in place which we are using to try to address the question. One of the ways to address this issue is to try to do something about energy efficiency. We have a range of programs, including 5-star and 6-star new homes that we are progressively putting into place, and a range of energy efficiency initiatives for the business community, to try to reduce the amount of energy we are using.

We are also cooperating at the federal level for new energy efficiency programs. The government recently announced that it has embarked on what is called the *Energy Technology Innovation Strategy* where this government is spending in excess of \$100 million, which is a very considerable amount of money, to try to find new technologies for the use of our brown coal in a cleaner way, such as brown coal drying technologies which includes gasification technology, and ultimately geosequestration so we can put the greenhouse gases underground.

There are some other things that we are actively pursuing, but I must say to the honourable member that while the federal government has put out the report and accepted that climate change is occurring, there are two areas in which the federal government continues to refuse to take leadership, and that is where we really need to start to think as a community about how we will deal with this problem.

One of those areas relates to renewable energy and renewable energy targets, about which I have spoken in

this house before. The nobbling of the mandatory renewable energy target scheme has meant that renewable energy will go backwards in this country and will mean that Australia will have one of the lowest renewable energy factors of any country, and certainly lower than most of the European countries.

The second area is in relation to a national emissions trading scheme. We agree with the federal government that we should have and bring on new technology, but nearly every major source is now saying that this will not occur without a market signal. We think that the best market signal is an emissions trading scheme. We are actively pursuing an emissions trading scheme because under such a scheme, we will see verifiable reductions in emissions from a whole range of sectors of the economy.

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

### **Housing: affordability**

**Hon. KAYE DARVENIZA** (Melbourne West) — My question is to the Minister for Housing. I am aware the minister recently visited Kangaroo Flat to inspect eight housing association properties. Can the minister advise the house how the government is getting on with the job of delivering more affordable housing through housing associations in rural and regional Victoria?

**Ms BROAD** (Minister for Housing) — I thank the member for her question about my recent visit to Kangaroo Flat and the progress of the Bracks government's commitment to establishing not-for-profit housing associations to drive growth in affordable housing across Victoria, including regional and rural Victoria.

The Bracks government is getting on with the job of establishing not-for-profit housing associations and as the primary vehicle to expand social housing assistance, including rural and regional Victoria.

Loddon Mallee Housing Services, Victoria's first housing association, is leveraging funds to provide more affordable housing than could be achieved through government investment alone.

In partnership with the government, Loddon Mallee Housing Services has embarked on the construction of 92 affordable homes across a number of regional Victorian centres — in the state's north and north-west — to meet the need of low-income Victorians. Earlier this month I was pleased to visit the first of these homes to be delivered, which is in

Kangaroo Flat, and was also pleased to meet the family that will soon be moving into this very attractive home.

I am also pleased to say that this home is located next to a brand new primary school built by the Bracks government last year, and this makes it a fantastic location for the family whose children will now be able to walk to the school next door.

Another 40 houses are under construction, and by October 2006 Loddon Mallee Housing Services will have completed 75 new homes in total. In the process, the construction of these new homes will also have provided jobs and associated economic benefits in regional centres that range from Mildura through to Kyneton.

This goes to show that on this side of the house, we are actively rebuilding communities. We are providing schools and affordable housing and other essential services, much needed after the heart and soul was ripped out — —

*Honourable members interjecting.*

**Questions interrupted.**

### **SUSPENSION OF MEMBER**

**The PRESIDENT** — Order! That is enough! Pursuant to sessional order 31, the Honourable David Davis is removed from the chamber for 30 minutes, for continually interjecting and breaching my rulings.

**Hon. D. McL. Davis withdrew from chamber.**

**Questions resumed.**

**Ms BROAD** (Minister for Housing) — These services are much needed in rural and regional Victoria after the heart and soul was ripped out of them by the previous Liberal and Nationals government.

As I have informed the house on previous occasions, the government has secured \$25.5 million in land, cash and borrowings from Victoria's five housing associations for those affordable housing projects. Through that package the leverage obtained in construction projects is around 25 per cent, which is a terrific result. Towns including Bairnsdale, Bendigo, Castlemaine, Echuca, Inverloch, Mildura, Numurkah and Swan Hill will all benefit from that terrific affordable housing.

This is a great example of the government getting on with the job of delivering great services to regional Victoria.

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 5435, 5436, 5542, 6047–71, 6125–30, 6141–43, 6214, 6215, 6250, 6251, 6841, 6842, 6878, 6880.

**JUSTICE LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

That the bill be now read a third time.

In doing so I wish to thank honourable members for their respective contributions.

**The PRESIDENT** — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**The PRESIDENT** — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. In order that I may ascertain whether the required majority has been obtained, I ask those members who are in favour of the question to stand where they are.

**Required number of members having risen:**

**Motion agreed to by absolute majority.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**COMMONWEALTH GAMES:  
ACHIEVEMENTS**

**Mr LENDERS** (Minister for Finance) — It is with pleasure that I move:

That this house congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria, and specifically congratulates:

- (1) the games volunteers, whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;
- (2) the hardworking staff from organisations including the organising committee, M2006, the Office of Commonwealth Games Coordination within the Department for Victorian Communities, Victoria Police, and transport operators, who were the backbone of the games;
- (3) the 4500 athletes from across the commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;
- (4) all those involved in the Commonwealth Games cultural program, Festival Melbourne 2006, who provided another element to the games, making it a truly unique festival; and
- (5) all the people of Victoria, who through their unparalleled support and enthusiasm once again showed to the world that Melbourne is simply the best.

The motion is in several parts. It is a great opportunity for this house to acknowledge the games we have just had — which, by any measure, have been the most extraordinary major event ever held in Melbourne. At the risk of going into hyperbole on this — we talk about the biggest, the best and the greatest — to put them into perspective, the Commonwealth Games were larger than the 1956 Olympics held in this city and state and an event with an extraordinary amount of participation. So many Victorians have participated in the games, enjoyed them and will look back on them as a time when they were proud to be Victorians. In addition, the games have left an extraordinary economic legacy for Victoria.

The purpose of my motion is to congratulate all those involved in the games. The first heading I will touch on is the volunteers. A number of members have commented on the fact and asked whether it was a bit of hubris to be the mover of the motion when I was a volunteer, so I will certainly not mention my own contribution. On the 15 000 volunteers who were out there, I guess I can speak as well as anyone on what they went through. First I point out that those volunteers did not just appear out of nowhere. They were people who put forward their names to assist with the games. They did so for a range of reasons and with a range of motivations. Primarily it was about being part of a great event and helping out in their community.

**Hon. D. K. Drum** — What was your motivation?

**Mr LENDERS** — I will take up Mr Drum's interjection privately, perhaps, because I vowed I would not go into my own contribution here.

It is interesting to note that it did not just happen that some of the 15 000 volunteers turned up at a number of venues a number of times. Every volunteer went to Holmesglen TAFE for a specific preparation. They went to the venues they were going to be at. Before the games even commenced, in most cases they gave up the equivalent of three or four sessions of their time, through their dedication to be there prepared to present that very cheerful, charming and helpful face of Victoria during the games. The volunteers put in long days. Many of them started in the morning at 5 or 6 o'clock and often worked 9 or 10-hour shifts — for no pay. I could be political and reflect on whether that may be where Kevin Andrews wishes to take our workplace relations system, but this is not the debate for that.

People put in that time and effort because they wanted to be part of the games and assist in Victoria. Many of them stood side by side with people who were being paid. It was a great effort by the volunteers. They wanted to help — they were inspired by what the volunteers did at the Sydney 2000 Olympic Games and they wanted to be part of a great event. They also had a commitment to the Commonwealth Games and what they could do for Victoria and the face they could put on their city and state.

I commend the volunteers. It was a fantastic effort in an era when we often belittle voluntarism and say that it is dead. People in our community will often bemoan things and ask, 'Whatever happened to it?'. Anyone who asks that can look at what 15 000 people did in Victoria during the 11 days of the games and at what the many who are still concluding their work — that is, the drivers of athletes and others — are doing. It is not over yet but obviously now most volunteers have returned to their normal lives.

The second group I specifically acknowledge and thank are those hardworking staff of the organisations that did all the work behind the scenes. To date we have heard our own great Minister for Commonwealth Games, Justin Madden, and Ron Walker and a number of other leaders of the games receive acknowledgment.

**Hon. Philip Davis** interjected.

**Mr LENDERS** — And Lord Mayor So, as the Leader of the Opposition interjects — probably more quietly than Victorians tend to when the lord mayor's name is mentioned!

I also put on the record acknowledgment of the hardworking staff of those organisations. Many of them commenced their jobs many years ago in the embryonic

stages, whether it be in the Office of the Commonwealth Games Coordination, so ably headed by Meredith Sussex, or the M2006 team, the chairman of which, Ron Walker, has received due recognition and acknowledgment, as I said. I acknowledge also John Harnden and the vast number of full-time staff behind him, and obviously the police force, the transport operators and all those others who were the backbone of the games.

I acknowledge also the 4500 athletes. I was privileged to watch a lot of those athletes going into and coming out of a venue and see them from a different angle, I guess, from most ministers. It was extraordinary. You would see the truly large, professional teams — like Australia, New Zealand, South Africa and others — come into the netball and hockey competitions absolutely fired up, focused and in there, and you would see some of the smaller teams from some of the island states. On one occasion I spoke to a team whose members had never played on a hard-surface netball court; they had only ever played on sand or grass. Or you would see teams like the Malawians getting off a bus singing and getting back on singing, whether they had won, lost or drawn. I saw some Nigerian athletes come off a bus singing and go back on weeping, but all of the athletes came to Melbourne giving their all.

Elite athletes had a chance to perform against the world's best, but some of the more community-level athletes from smaller territories and states also had a chance to compete, and I pay tribute to them for their inspiring efforts. I hope we remember far more of the 4500 athletes who gave their all than the few from Sierra Leone the media focused on for doing a runner.

I also would like to acknowledge the work of those involved in the Commonwealth Games cultural program, Festival Melbourne, which provided an entirely different element for these games. I have seen estimates that probably more people went to the free cultural events than might have gone to the games. I do not think that at all out of the ordinary.

There was a bit of excitement in the chamber when my colleague Mr Madden spoke about the decorative fish the other day, but large numbers of Melburnians and Victorians went down to the Yarra to see those fish. All of these things show how big and encompassing the games were. And things did not happen by themselves; large numbers of people were able to move around because of the large number of staff, volunteers and creative people who made things happen.

Finally, I would like to acknowledge the enthusiasm of the people of Victoria as a whole for these games. It has

been a long journey. The games were the result of a bipartisan bid lodged by the Kennett government with the support of the then opposition, and endorsed by the then Leader of the Opposition in the other place, John Brumby. As a major event we have seen the games through from beginning to end. The Victorian government formed a very strong partnership with the federal coalition government to see the games through, and, in the end, everyone in Victoria and Australia can be particularly proud of having hosted the Commonwealth Games. I think we have left some bidders for future games in awe of Victoria's effort and wondering how they can match it.

The games have been the result of a great organisational effort that was underpinned by an enormous number of volunteers and sporting associations who were willing to help, and an even bigger group from the Victorian community as a whole. All these people put their hearts and souls behind the games. I acknowledge and thank all the people involved in making these the best games we have ever had in this state.

**Hon. PHILIP DAVIS** (Gippsland) — I will join the Leader of the Government in the debate on the motion before the house. In all sincerity I congratulate all those who were involved in the implementation of what has been a wonderful event for all Victorians and all Australians, and an opportunity for Melbourne to be on display.

I will come to the closing comments of the Leader of the Government in a moment, and I wish to take particular issue with his comments about the Melbourne Commonwealth Games being the result of a bipartisan initiative. I would not have wanted to lead to that had he not tried to misstate what has been going on in recent times.

Firstly, I would like to acknowledge the wonderful contribution made by the volunteers who were critical to the success of the games. Some 15 000 volunteers were involved, and many from country Victoria met their own travel, accommodation and living expenses while they were in Melbourne to assist with the games. I saw many people from my own electorate around the city by coincidence because they were associated with the games as volunteers. I am delighted that these volunteers took the opportunity to be part of something memorable.

For those of us who are privileged to hold public office no doubt there were some occasions on which we were formally involved as representatives of the community. We attended functions associated with the games, and it

is a privilege to have so been involved. However, I was delighted to see volunteers invited to, for example, the formal luncheon that Her Majesty the Queen attended at the Royal Exhibition Building. It was a delight to meet enthusiastic volunteers at the very start of the games and to see that enthusiasm maintained right up until the closing night.

The attitude of volunteers was interesting in that irrespective of their particular interest in a sport — or indeed sport at all — there were many volunteers who just wanted to be part of a great event. Some 4500 athletes, along with around 1500 officials, occupied the village as part of the competitive process in which they were engaged, and I know the athletes were extremely grateful to the volunteers who assisted at the village and generally at the events.

I do not think that this is a motion on which to reflect significantly on the performance of the athletes, because that stands as a public record. The athletes themselves know how well they performed in terms of their individual performances in their relevant events. Also it has been noted publicly that Australia's medal tally overall was very good by comparison with its performance at the previous Commonwealth Games at Manchester. We also have seen the individual performances of athletes, with many personal bests being achieved and records being set by Australians. However, I do not think we are here to celebrate those outstanding athletic achievements other than to note them.

I think of the athletes who have put thousands of man-hours into their relevant sports but have not been so successful, particularly those from smaller nations that simply do not have a population base or sporting infrastructure that can allow them to excel.

I also want to pay particular tribute to elite athletes with a disability (EAD). The athletes with a disability events I saw at the Melbourne Cricket Ground (MCG) were wonderful demonstrations of individual perseverance and commitment under disadvantage for many of the athletes involved. The fact that the EAD events have been fully integrated into the Commonwealth Games is a real testament to a change in the view held by the community at large about disabled people and is something of which any society can be proud. The Commonwealth Games Association needs to be commended for ensuring that that process has developed. The original EAD events were held, I think, in 1994.

The motion before the house recognises a whole range of contributors. I do note that an incredible number of

staff were involved, including 1200 technical officials and 5000 contractors, along with the permanent staff of M2006. I understand that 500 full-time staff were involved in the lead-up to and operations of the games project.

I have recognised the contribution and leadership of Ron Walker in this place before, as have other members, but we should not forget that this project — if we can call it that — the 2006 Commonwealth Games in Melbourne, was an initiative of the Kennett government. It is disappointing that Jeff Kennett, a former Premier of Victoria, has not been properly recognised as the champion who assured the political commitment to achieving the objective of securing the Commonwealth Games for Melbourne. It was the vision of Jeff Kennett and Ron Walker that ensured we had an outstanding event, which I know is unlikely to be repeated in Melbourne in my lifetime. I am privileged to have been a part of it in a small way.

On a personal note, about five years ago my young daughters pressed me to take them to the Commonwealth Games netball. I admit to the house my frustration with the ballot system which did not easily render appropriate tickets for the netball. In any event, I managed to negotiate the challenges of ticketing and ensure that my daughters were ultimately able to see the netball.

I was pleased to have the opportunity to attend the Rugby 7s competition. The negotiation of the ticketing process for that event also became a challenge, but I managed to secure the necessary tickets to see the Rugby 7s, a favourite spectator sport of mine.

I was uplifted by the events at the MCG. I attended the athletics on three days and evenings. Those events were simply stunning. In every case, I was totally delighted not only to see the performance of the champions — those who either won their heats or won medals — but also the personal commitment by individual sportspersons who were competing for the joy of being participants in their events.

I simply congratulate all who were associated in any way with the Commonwealth Games and hope that all of them take with them the pride that I think they well deserve for their association.

The Leader of the Government used a phrase which raises some concerns for me. In the minister's contribution he used a few words I thought I should refer to my dictionary for, to fully comprehend them. He talked about 'hyperbole'. I went to my *Oxford Australian Dictionary* which says that 'hyperbole'

means 'an exaggeration'. Yes, I think there are elements of the minister's speech which were an exaggeration. He used a phrase I will not again mention, but I will be provoked to say that his comments about bipartisanship are best defined as hypocrisy, which is something we should all be concerned about, as it is when people affect a view that is not accurate. 'Hypocrisy' is 'a simulation of a virtue' according to the *Oxford Australian Dictionary*. Yes, it is quite clear that the exaggeration the minister himself notes in his comments about using hyperbole is correct in respect of his discussion about bipartisanship. The dictionary also clearly defines 'hypocrisy' as 'a simulation of a virtue and insincerity'.

I would challenge the minister on his assertion of a bipartisan approach to the Commonwealth Games. The reality is that when the Kennett government secured the games, there was bipartisanship in the sense that Jeff Kennett signed the formal documents during the caretaking government period after consultation with his prospective successor, Premier Steve Bracks. Therefore there was bipartisanship, but almost every action taken by the government in the period since its coming to office and gaining administration of the policy arrangements for the games has been to utilise the games in a political way.

Day after day in this house the Minister for Commonwealth Games has used question time to promote himself and his government, to diminish the standing of the Liberal and National parties in respect of this event. The Leader of the Government is no longer in the chamber, I suspect because he is embarrassed about what he has said. It is a shame that this truly wonderful event could not have avoided the politics of hypocrisy which the Leader of the Government has demonstrated.

**Hon. P. R. HALL** (Gippsland) — It gives me great pleasure on behalf of The Nationals to indicate our total support for the motion before the chamber. Admittedly I speak as a biased sports fan. I actually thought the games were terrific. I enjoyed the spectacle of the games largely as a television viewer as I did not get to a large number of events, but certainly the performances of some of the athletes from across the commonwealth were inspiring.

I also thought the performances of some of our elite athletes with disabilities were equally inspiring. Like the Leader of the Opposition I enjoyed the integration of the elite athletes with disabilities (EAD) events with the other regular program. It is a great initiative of the Commonwealth Games that now, rather than having separate events as we do with the Olympic Games and

Paralympics, we have athletes of all abilities contesting events at the one forum. I thought that was terrific and much better than previous practice.

I had the fortune to attend two athletics events of the games. One was a night of the swimming at the Melbourne Sports and Aquatic Centre; the other was a night at the Melbourne Cricket Ground (MCG) where I watched some athletic events. On each occasion I was fortunate that I was able to obtain tickets through the initial ballot. I was extremely disappointed that I was not able to get tickets through the ballot for a basketball event, such as the one in Traralgon, a part of regional Victoria in my electorate. I applied but missed out on tickets to that event; I will make further comment about that in a minute. I absolutely and thoroughly enjoyed those two events that I was able to get tickets for and attend. My wife and I also spent half a day and an evening participating in some of the cultural events and having a look at some of the shows that were on display, particularly those in the Alexandra Gardens.

I want to compliment the people associated with the running of the Commonwealth Games. Like the Leader of the Government and the Leader of the Opposition, first and foremost I congratulate and thank the games volunteers. I thought they did a fantastic job. When I came across them at the events I attended they were courteous, well informed, cheerful and presented a great face for the city of Melbourne and the state of Victoria. I thought they did an outstanding job, and I commend them on it. Equally it was a superlative effort by those associated with the organisation and running of the games to make everything work like clockwork right throughout the network, and I congratulate them.

As I said, the performance of athletes was inspiring. There were many highlights. Everybody has their own highlights, and I am not going to nominate mine, but there certainly were some inspiring performances. The cultural program, Festival Melbourne 2006, was a great initiative, and there was plenty of entertainment for people who were not able to secure tickets to events.

I want to make a couple of comments that I hope people do not interpret as criticisms, because first and foremost I thought the games were an outstanding success. However, there are things I think we could have done better, and I just want to mention some of them. First of all, despite the talk about all Victorians being united by the moment and participating in the games, that was difficult for people who live long distances from Melbourne. The fact is that it was costly for them to participate. In the week prior to the games, when I was in the East Gippsland part of my electorate, I asked a few groups of kids how many were going to

the games and very few of them were, even though it was school holidays. The barrier was the transport costs associated with getting to the games.

I think the government could have trialled for at least a two-week period the provision of free public transport not only in Melbourne to ticket-holders but throughout the state to see what the impact would be. The facts are that if mum and dad and three kids had wanted to travel down from Bairnsdale by train, it was going to cost them in the vicinity of \$200 to get there and back. That is a significant financial barrier. They could have got a \$10 ticket — we fought hard to ensure that people who had Commonwealth Games events tickets could get a \$10 return ticket on the day of their event — and while that was welcomed, there were lots of other aspects of the games that people could have attended without a ticket. One was the program of cultural events that were put on as part of Melbourne Festival 2006. It would have been a highlight for many kids to have come down to Melbourne to see the programs that were on display and experience some of the interactive stuff that entertained children at Birrarung Marr, which I thought was also very good. A lot of young country children missed that opportunity because of the cost of travel. I think it would have been more inclusive had the government provided free public transport to facilitate that.

I also believe one factor detracting from the television coverage — and that is largely what country Victorians got — was the excessive number of advertisements about the government of the day. Several people rang my office to say they were sick of seeing Premier Bracks on the television, because every program was interrupted by government advertising. I think the government probably did itself a disservice by showing the number of Victorian government advertisements that were spread throughout the television coverage of the games. I think the links on the web site to country areas of Victoria for tourism opportunities were also deficient, even though I had raised the matter in the weeks preceding the games. However, I do not want to labour those points. As I said, I wanted to raise them as points because I did not want them to detract from the significance of the Commonwealth Games. I think Melbourne did it well, and those in the government responsible for it should be congratulated. Those people from a previous government who secured the games for Melbourne should be equally congratulated.

I just want to single out one person. I thought the Honourable Justin Madden, the Minister for Commonwealth Games, did an excellent job but perhaps did not get the credit he deserved for delivering those games. The face of the government seemed to be

the Premier of the state, whereas I think Mr Madden came of age with respect to his role as Minister for Commonwealth Games. He did an extremely good job, but I did not see him presenting too many medals or standing on stage.

I congratulate the minister on the job he did in presenting the Commonwealth Games. I congratulate all of those involved with the games, and in line with the motion I particularly thank the volunteers and the staff who worked hard to deliver a great games for the commonwealth nations. I also congratulate again able-bodied athletes and elite athletes with a disability who performed so well and provided such a great spectacle for all those who were able to partake of that entertainment.

**Hon. J. G. HILTON** (Western Port) — It gives me absolutely tremendous pleasure to speak on this motion. I would also like to concentrate on the volunteers. I think all parties agree that the games were fantastic. I suppose we are, at least on this occasion, if not united by the moment at least united by the event. Members in this house would know that I take every opportunity to praise and acknowledge the tremendous work that volunteers do in our community. I have made the point on a number of occasions that volunteers are essentially the glue which binds our society together. Indeed, without volunteers we would not have a society in any way similar to the one we have at the moment.

For the last two years — I digress slightly, but it is in relation to volunteers — I have attended, and I will be attending this year, the Volunteer Appreciation Day at the Mornington racecourse. This lunch is organised by Peninsula Health, and it is always uplifting to see the many people who give so freely of their time to help those who are less fortunate. A range of volunteers provide services to the sick and the elderly. In particular a number of volunteers provide help to patients undergoing chemotherapy and help palliative care patients and their families at what is obviously a very difficult time.

Each year Peninsula Health gives certificates to volunteers who provided 10, 15 and sometimes even 20 years of volunteering service. It is very humbling to see the large number of people who are recognised in this way. The City of Casey, one of five local authorities in my electorate, annually recognises the tremendous work of its volunteers who work so hard and provide the services which make Casey such a great place to live and — dare I say — raise a family. Casey estimates that 10 000 people volunteered in some way.

In relation to the games, the volunteers made the games in Melbourne the success they were. Their distinctive uniforms and preparedness to be helpful made the games a most pleasurable experience. As has already been mentioned during this debate, a significant personal commitment was made by the volunteers, not just regarding the time at events, but also time undergoing training programs to be part of the volunteer cohort. To do something which helps our fellow citizens is a very uplifting and rewarding experience. I think we all know that if we look after our fellow citizens, they will look after us.

Some organisations now encourage their employees to perform voluntary work. For instance Exxon Mobil in my electorate of Western Port Province gives \$1000 to an organisation which has an employee who gives 20 hours of voluntary work a year. Last year I understand \$150 000 was directed in this way. I would like to commend Exxon Mobil for its initiative. Volunteers are essential to the smooth running of our society. I would like to commend them all, particularly those involved in the Commonwealth Games.

I would like to make a few brief comments on the other elements of the notice of motion. I congratulate the 4500 athletes who came to our country to compete. I attended the Queen's lunch, which was held on the day the games opened, with my wife. We had a very interesting conversation with Tracy Morris, who is a Welsh athlete. She was competing in the marathon and came fourth in that event. To come fourth in any event is probably worse than coming any other position, because you only just miss out on a medal. Tracy achieved her personal best time. She is probably back in Wales now, but I would like to congratulate her for her tremendous achievement. It was a wonderful experience to meet her and she was a most delightful person.

The Commonwealth Games cultural program has been mentioned. It was a tremendous initiative to combine cultural events with sporting events. This country has a reputation for being a sporting nation, but we can be proud of our cultural activities as well. We have world-class orchestras and world-class ballet companies. To combine a sporting occasion with a cultural event was a great way to showcase ourselves to the world. As has been mentioned, more people attended the cultural events than the sporting events, which is quite significant.

I am more than happy to acknowledge the tremendous contribution of the organising committees which were involved in the event. I acknowledge the contributions of Jeff Kennett and Ron Walker in bringing this event

to the state. If I remember correctly, when Ron Walker lodged his bid with the commonwealth office in London, he was the only person lodging a bid. In no way should that detract from the vision which Jeff Kennett had for this state. This was one of the examples of that vision. I congratulate him, Ron Walker and all other people concerned.

I would like to particularly mention the Queen's baton relay. That was a tremendous initiative which began about a year before the games started and visited all the 71 countries in the commonwealth. I was part of the baton relay from Frankston to Sorrento. I was with a young man who was from New Zealand who had been working on the baton relay since it had started. He was talking about the experiences he had had in African nations which the baton had visited. It was interesting to hear from him that well before the games there was great enthusiasm in Africa for the baton relay and the Commonwealth Games in general.

As has been mentioned, other organisations involved in the Commonwealth Games — the transport services, Victoria Police and everyone else involved — gave tremendous support to the event to make it the success it was. Finally, as the motion says, the people of Victoria should be mentioned. I personally never had any doubt at all that Victoria would get behind the games. I anticipated — and I do not think there was any great gift of prescience — that the crowds would be terrific, they would embrace the events and they would come to cheer and get involved. If anything can be said about Victoria, it is that we enjoy our sport. It was elite sport and we all enjoyed that experience.

Australia did tremendously well, which helped. There were 84 gold medals awarded to Australia. If Ian Thorpe had not caught cold, or bronchial congestion, and Grant Hackett had not injured his shoulder, we would have probably received more than 90 gold medals. But 84 gold medals is a tremendous achievement. Everyone worked so hard to make the games a success. I am more than happy to join the Leader of the Government, the Leader of the Opposition and the Leader of The Nationals in complimenting everyone who made such a great contribution to such a terrific event.

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — It is amazing to think that, after all the talking, preparation and planning, the 11-day Commonwealth Games are now over.

For as long as I have been in this chamber, and for as long as most members have been here, we have heard about the preparations for the 18th Commonwealth

Games — a project that commenced under the previous government and was continued by the current government. It is amazing to think that now, in late March 2006 after all that time and planning, the games have finished.

I would like to place on record my support for the work of the 14 000 volunteers who were involved in the Commonwealth Games. There is no doubt that those people made an enormous contribution to the delivery of the games. If one were to attempt to put a value on their contribution, it would run into tens of millions of dollars. Throughout the course of the games, as I went to various venues and had the opportunity to talk to volunteers, I continued to be amazed by their enthusiasm and commitment to the roles they were undertaking for the games.

Quite often I would encounter volunteers late at night — perhaps at 10.00 p.m. or 11.00 p.m. — who had been rostered on duty for most of the day and had been doing it not just for the duration of the Commonwealth Games but indeed, many of them, since the beginning of March. I never ceased to be amazed at how they remained enthusiastic about their tasks. Early on in the games I suspected that towards the end of the games some of their enthusiasm might have flagged, but it did not, and they continued to provide outstanding service to the visitors to Melbourne and other people involved with the games.

Even as late as today, some volunteers are still on duty in the transport role. I think today might be their last day of service, so they have basically been on task for the full month and have done an outstanding job, as have members of the Australian defence force, Victoria Police and the other service agencies that have been involved in providing service support to the Commonwealth Games.

I would also like to place on record my congratulations and thanks to the organising committee. As the Honourable Jeff Hilton said — and I commend him for acknowledging the role that the previous government played in securing this event — the genesis for the 18th Commonwealth Games started 10 years ago with a bid proposed by the previous government at a time when Victoria was a very different place and Victoria's outlook was very different.

Victoria as a state was then in a very deep recession. It had a crisis of confidence. We had lost a bid for the 1996 Olympic Games, and there seriously was a negative outlook about Victoria. The bid for the 2006 Commonwealth Games provided Victoria with an opportunity to aim towards an attainable goal, and I

think that fairly drawn-out bid process, the three or four years it went on through the 1990s, was important to restoring confidence in Victoria, and the win was important to restoring confidence in Victoria. I place on record thanks to Jeff Kennett for his role as Premier, and to Ron Walker, who was initially bid chairman and then chairman of the organising committee with responsibility for delivering the games.

I have noticed in recent months some unfortunate comments in the media suggesting that Ron Walker's motivation in doing this was to secure a knighthood from the Queen. That is something I would reject outright. For someone like Ron Walker, who has committed himself to Melbourne and Victoria over many decades, it is very unfortunate that we have seen reports like that. I would suggest for someone like Mr Walker, who is so committed to Melbourne and Victoria, the success in delivering the 18th Commonwealth Games is reward in itself, and I very much doubt that he would be looking for extra honours and baubles, having been so successful in delivering this event.

I would also like to acknowledge the achievements of the 4500 athletes who were involved in the Commonwealth Games. We hear a lot about the large teams and Australia's achievements in the games. It is interesting to reflect that from this November's election we will be contesting new electorates; it is a matter of record that I will be seeking to be elected to the south-eastern region, so I was therefore very interested to discover that of the 71 teams competing in the Commonwealth Games, 35 of them were smaller than the population of the south-eastern region. A full 50 per cent of commonwealth countries have populations of under 600 000. Many of our competitors were from very small countries, and they put in a sterling effort. I think many of those smaller nations should be acknowledged.

The Leader of the Opposition, in his contribution, remarked on the Leader of the Government's claim to bipartisanship. This is one area I would like to pick up on because the conduct of the Premier during the Commonwealth Games was something to be remarked upon. Early on in the games when Her Majesty the Queen was visiting we had the extraordinary sight of the Premier, an avowed republican, following the Queen around like a mangy dog with its tongue hanging out. Everywhere the Queen went, the Premier was in trail.

We then saw the Premier trying to overshadow and sideline the Lord Mayor of Melbourne. I think it is a matter of record now that the Victorian public

responded very badly to the Premier's attempt to overshadow the Lord Mayor, as we saw with the reception that John So got at both the opening and closing ceremonies. Mr Hall, in his contribution, said that perhaps the Premier had also taken the limelight from the Minister for Commonwealth Games, Justin Madden. I would agree with Mr Hall in those comments, that while the Premier was very prominent on the medal dais, we did not see much of the minister who has been committed to this project for the last six or seven years.

There were also reports of the Premier positioning himself for the most prominent medal presentations, which attracted greater media coverage, after he had scrapped other medal presentations. I think it is very unfortunate that the Premier chose to conduct himself in that way.

The final example of this was on Monday at the volunteers parade in the city where the Premier's office, and the Premier, refused to allow the Leader of the Opposition in the other place to participate and speak in the formalities at that parade despite the fact that the Leader of the Opposition was representing the federal government and the federal minister, who was in Parliament in Canberra.

In conclusion, though, I have to say there is no doubt that the 18th Commonwealth Games were a fantastic party for Victoria, but they were also an expensive party. In delivering the games the government has spent well over \$1 billion — that is, roughly \$100 million a day — and of course if you are spending \$1 billion, at the end of the day you need to get more than just a big party. In the months and years ahead Victorians will look forward to finding out what the true and enduring legacy of the 18th Commonwealth Games will be.

**Ms MIKAKOS** (Jika Jika) — I am pleased to speak in support of this motion. I want to begin by firstly placing on record my congratulations to the Minister for Commonwealth Games, who is also the Minister for Sport and Recreation, the Honourable Justin Madden, for presiding over the enormously successful Melbourne 2006 Commonwealth Games.

Melbourne's games were proclaimed as 'the best games' by Commonwealth Games Federation president Mike Fennell, and I cannot help but agree with him. I want to take this opportunity to congratulate everyone involved in making Melbourne 2006 such a stunning success. I particularly want to acknowledge and thank the many thousands of volunteers who so enthusiastically threw themselves into the games.

I had the opportunity to talk to a number of them during my attendance at various events. A number of my local constituents were volunteers, and I know they felt extremely privileged to be part of such a historic occasion. One woman in particular I met was staying at the games village with the team from Ghana. She had come down from Queensland to participate as a volunteer. She was absolutely thrilled to be part of the games and to have had the opportunity to stay with that team at the games village. It is fantastic that the spirit of volunteerism is alive and well here in Victoria, and that so many thousands of individuals were prepared to commit their time to make the games a success and to showcase our wonderful city and state to the entire world.

I also want to acknowledge the contribution of the many thousands of police, emergency services workers and transport workers who also worked extremely hard to make the games work like a well-oiled machine. I also want to acknowledge the staff at M2006 and the Office of Commonwealth Games Coordination, who provided tremendous support and assistance in making the games such a great success. Ticketing, transport, security, venues — everything — went off without a hiccup. There have been some media stories in recent days about the extent of the security bill for the games. I think that was all money well spent, and that Melburnians and Victorians are extremely relieved that everything ran as smoothly as it did and without any incidents.

It would be remiss of me not to make some mention of the great triumph that the games were for the Australian athletes, who won 221 medals, including 84 gold medals — more than twice the medal tally of the next country, England. I was personally able to attend several of the events during the games, all with tickets, I should add, that I had bought during the first ticketing ballot process. They included the opening ceremony, which I thought was spectacular, several days of athletics, the men's and women's singles finals of the lawn bowls at the State Lawn Bowls Centre at Thornbury in my electorate, and also the men's hockey final on the final day of the games.

For me the personal highlights included John Steffensen winning the men's 400 metres, when I had the great pleasure of sitting in the third row with my father at the finishing line at the Melbourne Cricket Ground (MCG) seeing Kerryn McCann's inspirational performance in the women's marathon on the first day of the athletics, and seeing Australia win against Pakistan in the men's hockey on the final day of the games. It was also inspirational to see many African nations do extremely well at the games. Particularly

worthy of note is the sporting prowess of the long-distance runners in the Kenyan team, and seeing countries like Uganda achieving their first-ever Commonwealth Games gold medals.

The games showcased the sporting achievements of athletes from all over the commonwealth. In particular I want to congratulate the Ghanaian Commonwealth Games team, which I had the honour of welcoming on behalf of the Premier, on its gold-medal-winning performances in the men's long jump and weight-lifting. I also had the opportunity and privilege to meet a small team from a small country, Lesotho, which won silver in the boxing. That country is linked to the City of Banyule, so I had an opportunity to meet with the team's members when that city put on a welcoming morning tea for the team. I thought it was terrific that the city also organised various activities for the Lesotho team. Victorian councils welcomed and sponsored teams from around the world, and I thank them for getting involved in supporting the various teams from overseas. Many important connections and friendships were made during the course of the games, and I hope those contacts and friendships will last for a long time.

The games also provided an opportunity for Victorians, and Australians more generally, to learn more about the 71 nations that participated in the games, many of which may not be well known to Australians. I thought it was terrific to have every nation, including some very small nations, marching into the MCG and receiving great support from the predominantly Australian crowd.

Concurrently with the sporting triumphs, entertainers from around Australia and the world put on amazing performances as part of the festival and cultural program. There were the Yarra fish, street theatre, buskers and acrobats in the big top at Alexandra Gardens. The cultural festival had a lot to offer for everyone. I certainly hope the offer from the minister for local councils to express interest in having one of the fish relocated to their local areas will be taken up by one of the councils in my electorate, the City of Darebin. It would be a great idea to have one of those fish end up at Edwardes Lake in Reservoir. In recent times the council has made a concerted effort to have a number of items of public art on display at the lake, and one of the fish — perhaps the one representing Singapore, the City of Darebin's linked commonwealth country — would be a fantastic addition.

In many respects these Commonwealth Games have provided a benchmark for future sporting events in Australia. They have demonstrated that if you make sure there is something for everyone — sport, art,

performances — you will get the wholehearted, even passionate, involvement of Australians. Many people have already commented on the wonderful, positive feeling that pervaded Melbourne during the course of the games. Prior to the games, commentators had in some respects questioned the relevance of the Commonwealth Games in the 21st century, but I think that after the conclusion of the games even the most jaded critic of the commonwealth would have to acknowledge that the Commonwealth Games were a tremendous event and certainly presented Melbourne at its best. If anything, the games provided an opportunity for nations from all sections of the globe — both developed and undeveloped, black and white — to connect. Bringing them all together in a celebration of this magnitude can only be a good thing. It is a positive example to the rest of the world of how many disparate nations can come together in harmony.

The games will leave a tremendous legacy for Victoria. The MCG is now a fabulous venue; without question it is probably the best venue of its type in our country. In addition, I am very pleased that the State Lawn Bowls Centre was located in Thornbury in my electorate and will provide many opportunities for people not only locally but also throughout the state who participate in the sport of lawn bowls.

In conclusion I reiterate my congratulations to everyone involved in the Melbourne 2006 Commonwealth Games. I hope we can maintain the good feeling engendered by the games long into the future.

**Hon. B. N. ATKINSON** (Koonung) — One of the observations I make of my experience of the Commonwealth Games is that we in Victoria have again shown ourselves to be great event organisers, but I wonder if we have shown ourselves to be as generous as hosts as we might have been. In that I particularly reflect on the media coverage of the Commonwealth Games which paid, in my opinion, all-too-scant recognition of athletes from other countries. In other words, there was a great celebration of Australian winners — and I certainly appreciate their efforts and applaud them — but it is a great pity that there was not an opportunity for Australians to become more familiar with some of the other countries and competitors from other countries who participated in these games and whose achievements were also notable — and, in many cases, world class.

That was disappointing. I am not suggesting that that was necessarily within the purview of the government. It is something that we as a state need to reflect on, going forward, in terms of our level of generosity. Certainly that media coverage was not consistent with

most of the other hosting experience that Victoria put on for the Commonwealth Games. The festivals that were conducted, the participation of volunteers and the enthusiasm of so many people in celebrating these games with people from other countries was one of the great and inspiring aspects of the Commonwealth Games. It is just a pity that the media did not catch up and celebrate the participation of so many other nations as much as it celebrated Australian gold medals.

I am very pleased to associate myself with a number of comments that have been made by other speakers, and to that extent it is not necessary to dwell on them. I certainly think from my perspective the involvement of athletes with a disability as part of an integrated games program was an outstanding success and was something to be applauded. I have to say those athletes were absolutely inspiring — every bit as inspiring as some of the elite sportspeople who we celebrate so frequently. When I look at some of the achievements of people who have overcome hurdles in their lives, I think I could not achieve anything like that in any of the disciplines they are participating in. It is just an amazing thing; as I said, I find them truly inspiring.

I would like to indicate a couple of areas of concern I have about the games. I do not want to dwell on them, but I was disappointed in the orgy of government advertising that surrounded the games because some of the advertising did not really do a lot to advance Victoria's position notwithstanding what the spin doctors might have said. A number of the advertisements were clearly designed to attract the attention of people who might have their minds on a vote later this year rather than on actually showcasing Victoria.

I get concerned with some of the major events that we do not do more to showcase Victoria. So often when we have major events we do not pay enough attention to selling the city around those events. Again, I am not sure that the coverage and some of the advertising that was undertaken did enough to broaden people's understanding and enjoyment of our state.

I was also concerned on the advertising front about the spectacular success of one particular government advertising initiative — that was the one telling people not to come to the city if they did not have some specific business there or if they were not attending the Commonwealth Games. That advertising campaign was spectacularly successful. Unfortunately, whilst the Commonwealth Games events were so well patronised, there were many businesses right throughout the city and central Melbourne area which were certainly concerned about their trading levels.

I note that the Queen Victoria market commented on just how low their customer traffic levels were during the Commonwealth Games. Quite a number of other businesses outside the main spine of activity also appeared to suffer. No doubt many businesses in suburban Melbourne and perhaps throughout Victoria had particular success with their trading over the two-week period because people not going to the city no doubt patronised businesses in the suburban areas especially given that it was a school holiday period. It is unfortunate that some of the businesses missed out on the opportunity created by the Commonwealth Games. No doubt Melburnians will flock back to those businesses in the weeks ahead, and those people will see their businesses thrive on the basis of an ongoing interest in Melbourne.

I take this opportunity to congratulate the Melbourne 2006 organisers and particularly the leadership of Ron Walker. He is a man who has left an indelible mark on Melbourne, Victoria and Australia. This week, having just completed the Commonwealth Games, he strides across — and indeed he is a man of a stature; he does literally stride — the stage at Melbourne to the Grand Prix, which is another international event which very much puts Melbourne on the map. He is to be congratulated for the contribution he makes.

I also acknowledge the contribution of the various ministers, their departments and no doubt the large team they would have assembled of people who were involved in working together and integrating departmental responses to the various requirements of the games. They would have run across many areas from the state emergency people to public hospital people, and certainly transport, being on alert. They all did a splendid job.

I congratulate the Minister for Commonwealth Games, the Honourable Justin Madden, on his delivery of an exciting and successful games and the Premier, Steve Bracks. Can I also acknowledge at this point the federal government's outstanding contribution to the Commonwealth Games and ensured their success. Without the City of Melbourne's support and underpinning the work of the state government in regard to venues and activities in and around the city of Melbourne, the games would not have been successful. I acknowledge Cr John So as the mayor and leader of the City of Melbourne team and on their work that contributed to the success of the games.

As a sideline, I thought the adoption of countries by municipalities around the state was a good idea. The city of Whitehorse adopted Sierra Leone, whose athletes proved to be adept runners, not always on the

track. Obviously there were a lot of jokes about the number of athletes who chose to leave the village and seek an opportunity to stay in Australia. It is interesting when looking at a country like Sierra Leone to note that the reality is the Commonwealth Games and the actions of those athletes focuses our minds on how lucky we are in Australia and in Melbourne and how different our lives could be if, like those athletes, we lived in a country like Sierra Leone, which has been torn by civil war for so many years. The horror those athletes have seen is something that we cannot possibly comprehend. To have them come here and experience part of what we have to offer in this country is fundamental to the Commonwealth Games and the spirit of the friendly games.

I was particularly pleased to attend a lunchtime forum on drugs in sport, which was run by the Speaker in the other place. One of the points made at the forum was the low level of drug incidence in the sports activities at these Commonwealth Games. It may be the drug technology is behind the athletes, and that point was made at the forum — that the athletes are always one step ahead of the technology if they wish to go down that track.

One of the key points made at the forum which impressed me was that a lot of effort was put into making competitors, particularly those from other countries, aware of exactly what the rules were of the drug policy and in making sure they understood where they might transgress with drug issues if they were not careful — such as with common medications and the way they took particular substances. That helped a lot of participating athletes and contributed very much to the knowledge base of the smaller countries.

People will go away thinking Melbourne is a very friendly and safe city, which is all to the good. I look forward to seeing the reality of the legacies the government has promised will accrue from the Commonwealth Games under the management of the Minister for Commonwealth Games, Mr Madden. I look forward to seeing the financial outcomes of the games, because I am not sure that at all times the government has been transparent with those, notwithstanding that I think the investment is well worth while. I look forward in that context, given the plethora of government advertising, to see all the new investment that will be accrued by this state as a result of the effort to promote Melbourne and Victoria.

Congratulations to all of those people who had any part in the success of these games, and that includes members of the public who visited the various sports and festival activities. One of the fantastic things about

these games is that there were no hooligans or untoward incidents. People behaved themselves splendidly and got on with the business of enjoying what was a great sporting event and great festival activities for the city. They put aside all the stupid things we sometimes read about that are associated with other sports events in other places around the world, where people do not have the same objectives and appreciation of the skills, performances and commitment of so many people to the advancement of their sports and the development of their nations. Congratulations to everybody associated with the Commonwealth Games.

**Hon. H. E. BUCKINGHAM** (Koonung) — I rise to support the motion. While I acknowledge the comments of previous speakers, I take a slightly different approach. As Mr Atkinson has said, the Commonwealth Games were able to be experienced at a local level through the baton relay, local councils adopting countries and through having some facilities and things take place such as at Lysterfield Park bike track where mountain bike racing took place. I do not know what it is about the east, which Mr Atkinson and I represent, but of the 221 medals won by Australians, over 5 per cent of the recipients come from our local area — six gold, two silver and three bronze medals!

**Ms Carbines** — Shameless!

**Hon. H. E. BUCKINGHAM** — Yes, I am shameless. Burwood's 23 year-old Scott Martin won gold in the men's discus. Who will forget his memorable victory dance after throwing 63.49 metres. He also won a bronze medal in the shot put.

Steve Hooker from the Box Hill athletics club won gold in the pole vault with a Commonwealth Games record of 5.8 metres. He attempted 6 metres. I do not know if members remember it, but he almost got over the bar when his chest hit the bar and it came off. I hope he achieves that height in the future.

Weightlifters Aleksan, or Alex, Karapetyan won gold in the 94-kilogram category. Simon Heffernan of Forest Hill retired after winning a silver medal in the same category. Alex Karapetyan's three lifts in the snatch were 155 kilograms, 160 kilograms and an amazing 165 kilograms — 14 kilograms better than the second-placed lifter. In the clean and jerk Alex lifted 185 kilograms. His combined lifts were 350 kilograms which assured him the gold medal.

Janine Ilich from Box Hill North won silver as part of the netball team that was defeated by New Zealand. Janine is 34 years old with two children, one of whom

is only six months old. You have to salute how hard it is to be an athlete and work at that level.

Brooke Hansen, whom I have met and have had in my home, represents the Nunawading swimming club. She won silver in the 200-metre individual medley.

Mark Fountain, a Vermont South track runner, won bronze in the 1500-metre track race.

Other locals competed who did not win medals. Former Box Hill diver, Scott Robinson, competed with a broken wrist and narrowly missed a bronze medal in the 3-metre synchronised springboard final. Olympic great Kyle Vander Kuyp from Mitcham announced he would retire from the hurdles after not qualifying for the final of the 110-metre event. Erica Sigmont of Blackburn finished third in her 800-metre track heat but failed to qualify for the semifinal.

Two of the team members from the inaugural women's basketball team who won gold were from the east: Jacinta Hamilton lives in Doncaster East and plays with Nunawading juniors, and fellow team member, Carly Wilson, is from Vermont. In the men's basketball Jason Smith who has competed in two Olympic games and grew up in Vermont and last played for the Nunawading Spectre in 2003, was part of the team that won gold against New Zealand.

At the other end of my electorate in Knox there were mountain bike activities. Thirteen thousand people watched at Lysterfield Park and over 60 000 applied for tickets to watch. It is a 6.4-kilometre track and is now a permanent part of our electorate.

I salute all the local athletes from Nunawading, Whitehorse, from the east and from all over Australia for their dedication and commitment to be able to perform at this level. I salute all competitors at these games. Sport unites the moment and the community. Of the 45 000 volunteers, in my estimation after a quick look at the list that was published recently, over 1000 came from Koonung Province. I thank them for their contribution.

I had interstate visitors who went to the Commonwealth Games staying with me, and I was exceptionally proud when they kept saying to me after they came home each day — after attending either games functions or free festival events in the city — how great Melbourne was and how wonderful the Commonwealth Games were. I salute everyone involved.

**Hon. D. K. DRUM** (North Western) — I share the sentiments of all members and take great pleasure in conveying my positive thoughts to the government and

to the organising committee of Melbourne 2006 on the work they did in bringing about the tremendous 18th Commonwealth Games.

I went along to the opening ceremony and enjoyed the fireworks. I did not quite get the boy and the duck theme, but I put that down to my lack of cultural expertise as opposed to any failure on behalf of the organisers. I pass on my congratulations to the Minister for Commonwealth Games, the Honourable Justin Madden, because he handled himself reasonably well — although he started to gloat a little in the days immediately before and immediately after the games. The games were six or seven years in the making, and, together with Ron Walker, he showed excellent leadership in bringing about a trouble-free games.

During the build-up to the games many decisions were not treated with the openness and transparency that the opposition parties were hoping for. We would have liked to know more details in relation to the games village and the handover of the land. We would have liked to know more details on the deal that had been done with the City of Melbourne in relation to the preparation of the city and the cost. We would have liked to have been privately briefed on the costs blow-out for games security.

We should have had greater access to the information. Goodwill was shown by The Nationals and the Liberals because we were all in this together. The Nationals truly wanted to see a great Commonwealth Games. There were some aspects that could have been improved, but all in all, the government representatives did their job well in bringing these games about in the manner in which they were conducted.

Everybody has been keen to pass on congratulations to the volunteers, because it is more or less acknowledged that they made the games. I join that chorus as well but would like to single out another group that sometimes gets passed over — that is, the paid staff who were working with Melbourne 2006 and the Office of Commonwealth Games.

There is no doubt that group of people was tremendously motivated to bring about a great games event. I know that from first-hand knowledge because I have two nieces who played integral parts in bringing the games about. In the last few months leading up to the games they were crawling into bed at ridiculously late hours and getting out of bed well before sunrise to get their jobs completed. They were trying to cover all the various contingencies and foreseeable problems raised as possible issues and threats. Those solutions and contingency plans were put in place, and I

congratulate Loretta and Jenny Bourke for the work they did — but I add that there were many hundreds of other staff who were working on the Commonwealth Games to bring about the achieved result.

Also, mention was made of the patrons who went along and paid their money. In a sense the atmosphere fuelled on itself, to have about 80 000 supporters pack the Melbourne Cricket Ground for the athletic events on most occasions. Those who were at the MCG and were lucky enough to see Kerryn McCann bring home the gold medal for Australia in the women's marathon would have stood and cheered when she ran into the stadium next-to-neck with the overseas runner. That was one of the great moments of the games that people will certainly not forget in a hurry. There were other tremendous examples of athletes playing their part.

The spirit generated by the crowds to not only have a good time but to ensure that everybody else had a good time must be congratulated. Certainly on the occasions that we went along to watch the various events — basketball, the opening and closing ceremonies, or athletics — we had a tremendous experience. I had other many positive experiences at the netball, hockey and the like. I certainly want to pay tribute to the crowds that went along to witness the athletes perform at their absolute best.

The athletes from the 71 countries certainly need to be congratulated in the spirit in which the games were conducted. There were very few controversies in relation to the drugs issue that has tended to dog most major events such as world championships, Commonwealth Games, Olympic Games and so on over the last 10 years. While we had issues in relation to some of the weightlifters and other abnormalities regarding drug testing procedures, in general the spirit in which the athletes competed at the games, with their competitiveness and fierceness of competition, was tremendous, yet it was done in the spirit of sportsmanship. They also need special mention as well.

We were critical about the public transport system initially announced solely for those who happened to live within the metropolitan rail and bus system. It was not until about a week later that the government acknowledged that something had to be done for regional Victorians, and it came up with the \$10 plan. The strictness associated with that \$10 plan forced Victorians to come down only the day before the events they were to attend and return to the country or regional Victoria the day after, or even on the day of competition. That strictness was totally unnecessary and should have been avoided.

I still have not had addressed why country and regional Victorians were not able to come down to the games three or four days in advance. Obviously they could only get the one \$10 ticket. Why they could not have come down days in advance to enjoy the festivities surrounding Melbourne and then go back three days later is absolutely beyond me, but nobody took the time to try to explain what the rationale behind the government's thinking was in that regard by being so prescriptive.

Another part of the ballot that was clearly wrong was enabling families with a maximum number of four members to sit together. When I went along to the athletics and the regional basketball I had to sit my four children in the stands, then my wife and I had to go elsewhere to get our own seats, which was a ludicrous situation. If a family wished to sit together at these great events, then surely the government could have made alterations to the ballot to enable that to happen. Fancy having such great events and having three, four or five children sitting in one location while their parents were sitting 300 metres, 400 metres or 500 metres away! If the government had its pre-games time over again, I would be staggered if it did not put its hand up and acknowledge that it certainly got that part of the ballot wrong.

It was beyond me why the government chose to take this restrictive view on families with only two children to acquire a block of tickets through the ballot. It made no sense that families should be split at such a great event as the Commonwealth Games. Hopefully when the government has the opportunity at other major events — the World Swimming Championships are coming to Melbourne in 2007 — it will allow families to purchase a block of tickets and sit together to enjoy those events as a family.

Another issue I raise is that the government certainly paid a premium to have the \$20 million concrete athletics track put down in sections so that it could be picked up in sections. The government was prepared to pay the additional money so that we would be left with that \$20 million legacy at the conclusion of the games. The government is now saying that it will be too expensive to move it and the end product will not be suitable for world-class performances. That means that somewhere along the line someone has got something wrong. We should have put down the cheaper track in the first instance by having the concrete laid in one total mix with no intention of taking it up. Obviously then it could have been broken up.

To pay for the expensive track and then have it just crushed up and got rid of in the cheapest possible

fashion at the end of the games means that we have paid for an expensive model track that will never be used again. The government is not likely to have the opportunity again. I was looking forward to seeing that track at a suburban or regional sports field such as the John Landy Athletics Field in Geelong, so that we would have the lasting legacy of that athletics track for the next 20 or 30 years or for however long a concrete athletics track lasts.

Although there have been a few positive criticisms along the way, we cannot let them dominate. They do not overshadow the fact that we all enjoyed a tremendous Commonwealth Games. It was addressed in this Parliament in a tripartisan manner. Members of the opposition parties respect Minister Madden for helping us whenever possible. Some 12 months before the games we were given a briefing at which we could ask any questions on the preparation for the games, including how the athletes village was coming along. A fair range of information was made available to us, without some of the more intricate details — which was frustrating for the opposition but to be expected in this field.

All in all, again the volunteers need to be congratulated. A special thanks to all the paid staff who sometimes just had to do the work expected of them. There is no doubt from my first-hand knowledge that those people worked exceptional hours to help put on the games. They certainly need to be congratulated, as do the crowds, athletes and officials. I want to give them all hearty congratulations.

**Hon. D. McL. DAVIS** (East Yarra) — I am pleased to make a contribution to this motion. The Commonwealth Games have been very successful and Victorians can be well proud of the achievements of our community. I note that the games have a long history of preparation that goes back to the days of the Kennett government. I believe that Jeffrey Kennett was instrumental in obtaining the games for Melbourne. I note also the huge contribution made by Ron Walker, whose individual contribution to Melbourne and Victoria goes on and on and was exemplified by this remarkable achievement of the Commonwealth Games here in Victoria. Many lessons can be learnt from the games. Some of those have been outlined by previous speakers, including Mr Drum just now, and they are all valuable points.

My contribution in the short time I have to comment on the games will be to recognise the contribution of the volunteers in particular. I am aware that there were many volunteers from my electorate — many who made a huge contribution, people who have been able

and willing to give selflessly of their time, energy and commitment.

**Business interrupted pursuant to sessional orders.**

**Sitting continued on motion of Ms BROAD  
(Minister for Local Government).**

**Hon. D. McL. DAVIS** (East Yarra) — In singling out one or two volunteers I do not wish to be incomplete in my recognition in any way. I know that literally hundreds of volunteers from my area have made a massive contribution statewide. The two volunteers I wish to single out have made an exemplary contribution and their long-term contribution not just on this occasion but in other forums is significant. I particularly single out Peter Norman and Jan Dimmick.

**Hon. Andrea Coote** — Wonderful people!

**Hon. D. McL. DAVIS** — They are fabulous people, Mrs Coote; there is no question about that. They have made a huge contribution to our community over many years. As I said, that contribution is exemplified by what they did during the games. I was very pleased to meet Jan Dimmick at the luncheon for the Queen and to have a very long discussion with her about her activities. She and many others were excited to be at that luncheon, which was an opportunity for recognition of the contribution made by them and other volunteers who were not there. That luncheon was a grand occasion that will sit as a fitting memory in the minds of people for many years to come.

I thought that the Queen's contribution at that luncheon was fabulous. The Prime Minister spoke extremely well, but it was the Queen's speech that particularly touched me. It was remarkable when she indicated to the audience that 105 years earlier her grandfather had opened the federal Parliament in that very building. That continuity and history is remarkable testimony to the enduring strengths and nature of our system. In her contribution the Queen highlighted the role of sport in bringing together people from the many commonwealth nations. I was touched by the fact that she singled out the role of sport in bringing people together. That was very much the tenor and tone of the games in Melbourne.

Melbourne's great sporting history has again been strengthened by the games. Victorians are said to be sports mad and the games were further evidence of that, not just in the enormous number of people who attended games events but also in the huge television audiences for programs that showed the sporting achievements and in the great success of Victorians and other Australians in winning gold and other medals.

Participatory sport in Victoria and nationally has been given a shot in the arm.

It has been a significant opportunity for Victoria to be projected around the world, and I hope that has occurred. I think it has, and I look forward to seeing the outcome of the examinations of the success of the games in achieving those aims of projecting Victoria and Melbourne to the rest of the world. That has huge cultural and political significance, of course, but is important also for trade, tourism and many of the other exchanges that we have with people in other parts of the world.

The games, like other Commonwealth Games before them, have tied the commonwealth together and, as the Queen indicated, have helped bring people from very different backgrounds to a greater understanding of each other. The enduring memories of the games will be strong and positive, and Victoria's place in the commonwealth will have been strengthened fantastically through these games.

I believe Victoria has a special place in the running of these sorts of events. We have long been able to conduct such events and did so as far back as the 1956 Olympics. There have been our great achievements with the Australian grands prix, Australian Football League games and Victorian Racing Club carnivals at Flemington and elsewhere. Those sporting events are a part of Melbourne and a part of Victoria.

Returning to the theme of volunteering, as I said earlier, I want to place on record my congratulations and thanks to the volunteers on behalf of this chamber, the Victorian community and my electorate for the work they did to make the games such a success. On Saturday night my wife and I and came into the city with my small boy and bumped into the President and others as we were heading down to see the fish, which were spectacular. I think Victorians enjoyed highlights such as the fish. We were able to have a dinner with friends and enjoy what was a remarkably large and friendly crowd. I think that crowd typified the spirit of the games and were enjoying every bit of the festival and the show put on down by the river. I enjoyed the night, and I know that thousands of others did. However, the games would not have been possible without volunteers.

Volunteers helped people to cross roads safely and controlled the traffic. They guided people to different parts and points of the venues and assured the safety and free passage of the crowd. These are important things, and the volunteers did a remarkable job. I am very pleased to place on record my personal thanks,

those of my electorate as a whole and, I am sure, those of the entire Victorian community for the work done by the volunteers. As I said earlier, the two individuals I picked out — Jan Dimmick and Peter Norman — exemplify the remarkable contribution of the volunteers. Somebody like Jan Dimmick has contributed as a volunteer not just to the Liberal Party but to the broader community over many years. Her work at and contribution to Kooyong Lawn Tennis Club and Australian Open tennis events over many years are testament to the good spirit and community mindedness of so many volunteers.

It is important to recognise that that spirit of volunteering is not only immediately helpful but helps build community confidence and spirit. The generosity of volunteers is important in acting as a glue that holds our community together. People who perform voluntary work from week to week deserve to be recognised. Whilst I was listening to other members speak in this chamber I spent some time looking at the honour roll published in the *Age* this week in recognition of the contribution of volunteers throughout the games period. It contains the names of 15 000 volunteers.

**Hon. Andrea Coote** — Read them!

**Hon. D. McL. DAVIS** — In the 5 minutes I have remaining, Mrs Coote, I do not think that I could read them, although I would very much like to incorporate the name of every volunteer in *Hansard*. I think the Parliament could look at doing that through some mechanism, and I invite the government to cooperate with the opposition in incorporating into *Hansard* the name of each and every volunteer who took part. There must be some mechanism. I see the President scratching her head trying to work out what form of order would be necessary. However, given the inventiveness and knowledge of the clerks but I am sure that they would be able to find some way that we could formally incorporate the name of each and every one of the volunteers who has contributed. I invite the government to consider the achievement of that aim with the opposition, and I reiterate my thanks to the volunteers. My congratulations go to each and every one of them, and I put on record my extraordinary pleasure at the achievement of these games.

**Debate adjourned on motion of Ms CARBINES (Geelong).**

**Debate adjourned until next day.**

## **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

## **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

## **DISABILITY BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

## **EDUCATION AND TRAINING REFORM BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.**

## **ADJOURNMENT**

**Mr LENDERS** (Minister for Finance) — With pleasure, I move:

That the house do now adjourn.

### **Water: Wimmera–Mallee pipeline**

**Hon. DAVID KOCH** (Western) — I raise a matter for the Minister for Water in another place. It concerns delays in the Wimmera–Mallee pipeline project, and particularly cost blow-out warnings and local government fears of having to increase rates to pay for

pipeline firefighting infrastructure. This vital project for the Wimmera–Mallee district will eliminate wasteful evaporation and leakage from open channels by replacing it with an efficient piping system. However, the longer it takes to deliver the biggest water infrastructure project since the Snowy Mountains scheme, the more water is wasted and the more susceptible this project will be to cost overruns.

The original cost of \$501 million was used to determine funding apportionment between the state and federal governments and water users. High fuel prices have already increased the cost of polythene pipe by as much as 20 per cent and polythene tanks by 15 per cent, which will raise doubts about the \$501 million budget. The pipeline cost could blow out by at least \$45 million, as was reported in a study undertaken by Sinclair Knight Merz (SKM) for the Essential Services Commission. This cost could even be exceeded, and it could take more than the projected five to seven years to complete. While Grampians Wimmera Mallee Water maintains the cost will not exceed \$501 million as a result of managing of the financial risk and limiting the duration of the project, SKM's revised estimate of \$546 million suggests there is still significant risk the cost will blow out beyond current projections.

Of even more concern is a report published on page 1 of the Wimmera *Mail Times* of 20 March 2006, which says that local governments are expected to pay for new firefighting facilities along the pipeline. Local governments are fearful that they will have to increase rates to meet the costs of installing firefighting infrastructure, which cost may reach several million dollars, with the councils having to find between \$230 000 and \$800 000 each.

This in effect means that water users — and indeed many ratepayers who will not access the piped water — will be paying more than their one-third of the pipeline's cost. The Wimmera–Mallee pipeline is a massive infrastructure project, and access to it for firefighting purposes should be included in the project. This essential service should not have been treated as an afterthought, in the expectation that ratepayers would pick up the bill. Will the minister provide assurances that the community will not be left to meet any cost blow-outs of the pipeline project and that he will provide a one-off grant to local councils to meet the cost of installing firefighting infrastructure?

### **Industrial relations: WorkChoices**

**Hon. J. G. HILTON** (Western Port) — My adjournment matter is for the attention of the Minister for Industrial Relations in the other place, the

Honourable Rob Hulls. It relates to the new workplace regulations introduced by the federal government. Many people in my electorate of Western Port Province have raised concerns with me, and I ask the minister to communicate with the community as to the Victorian government's response to these new regulations.

The concerns of my electorate are well founded. The regulations have been in place for only four days but we are already seeing employers exploiting the regulations at the expense of employees. Employees have been terminated and then offered their jobs back but at casual rates, with no annual leave, sick leave or holiday pay. The federal Minister for Employment and Workplace Relations has apparently indicated that a clash of personalities can be grounds for dismissal. That is disgraceful; there is no employee protection in such an arrangement.

The federal government has made the point that workers can negotiate these terms and conditions. This is true, but when in Western Port Province an employer advertises three semi-skilled positions and receives more than 400 replies, there is no fairness in the negotiation process. The balance is very much with the employer and not with the employee.

The federal government obviously intends to reduce the cost of labour in the economy and create what is known as the working poor — a pool of low-skilled, low-paid workers. This is totally at variance with the traditional Australian values of decency and a fair go, and these changes are very extreme. They go against the ethos of what makes Australia the wonderful country that it is. My community is desirous of a Victorian government response to these changes, and I ask that the minister provide that response.

### **Baxter-Tooradin–Fultons–Hawkins roads, Baxter: safety**

**Hon. R. H. BOWDEN** (South Eastern) — I seek the assistance of the Minister for Transport in the other place. On seven previous occasions in this chamber in recent years I have mentioned great concern in the community in the northern part of the Mornington Peninsula about the dangerous situation that involves at the intersection of Baxter-Tooradin Road and Fultons and Hawkins roads at Baxter, well known in the area as the intersection near the Baxter Tavern.

As I said, I have mentioned this seven times previously in the chamber, conveying my constituents' concerns about the traffic hazards at this rather complex corner. I say sincerely I believe it is the most dangerous

intersection in the province that I have the privilege of representing. I mean that directly.

By indirect means I have been given a copy of a letter from VicRoads to the local federal member dated 3 February. I am happy to provide correspondence to the minister to help him with this matter. I will quote from the letter:

As there —

appear to —

have been no casualty crashes at this intersection since November 2002, it appears that the project undertaken in 2001 has improved safety. It is considered that a proposal for major works at this intersection, such as a roundabout, would be unlikely to attract government funding in the short term.

That is a disgrace; it shows a direct insensitivity by the people at VicRoads and it is at total odds with the feeling of the community. There is an ever-present, serious possibility of accidents happening, and they do happen at a regular rate at that intersection. I am told by a local businessman who is in a position to know that in his estimation, on average there is an accident every two to three weeks at the corner, yet VicRoads dismissed this because there have been no casualty accidents. I do not know where VicRoads gets its information from but it is not in concert with the common knowledge of the area.

Be that as it may, VicRoads and the state government should take notice of what the community is saying. I will provide the minister with a letter from the Baxter Traders Association to help with this matter. The question is: will the minister make urgent representations to the management of VicRoads to take action and require VicRoads to fix this dangerous intersection?

### **Crime Stoppers: funding**

**Hon. J. A. VOGELS** (Western) — The issue I raise is for the Minister for Police and Emergency Services in another place, the Honourable Tim Holding. It concerns the lack of any recurrent funding for Crime Stoppers from the Bracks government. A brochure with the heading 'Putting the finger on crime' shows how successful Crime Stoppers has been. It says:

In 2003 just under 29 000 anonymous calls led to 719 arrests and 3728 charges. Police recovered stolen property valued at over \$4.8 million and drugs at over \$4.7 million. The Crime Stoppers program recognises that these figures can only increase if more people take action to pass on this information.

Before Crime Stoppers started advertising its services in country Victoria, only 5 per cent of reports came

from this constituency. It has increased to 25 per cent since 2003, and we are now up to 2006.

Once a crime or a suspected crime is reported, the police step in and take over the investigation. It is my understanding that all assistance and funding for Crime Stoppers basically comes from Channel 9, which shows a program re-creating a crime every Monday; the *Herald Sun* with its page of crime scenes each week; radio 3AW; radio 774; and Motorola. There is no doubt that this sponsorship is most welcome. Crime Stoppers has to apply for grants for recurrent funding, which is ad hoc, and it may or may not be successful. The job of Crime Stoppers is to make its phones ring. The more the phones ring, the more success it has, as citizens are helping police combat crime.

The action I seek from the minister is to put in place a funding source which would enable Crime Stoppers to become even more successful than it presently is. It needs a dedicated funding source which would allow it to increase promotion, posters, brochures, staffing et cetera to keep the phones ringing. It is my understanding that last year, for example, there were 30 000 convictions — that is, people found guilty of a crime — in Victoria. One of my suggestions to the minister is why not have a \$20 surcharge for each conviction to be passed on to Crime Stoppers? If the minister has a better idea, let us hear it. Putting the finger on crime will make Victoria a better place to live, work and raise a family.

### **Prisons: sexual offender program**

**Hon. RICHARD DALLA-RIVA** (East Yarra) — My query tonight is for the Minister for Corrections in the other place. It relates to some information which has come my way via residents living in the vicinity of the existing Langi Kal Kal Prison. This is an open prison which is near the Ararat jail. For the record, a range of serious sex offenders and protection prisoners are based at the Ararat jail.

It has been put to me that Langi Kal Kal has been part of the training regime for prison officers in the corrections system. As a result, in its early formation a range of houses were provided for the prison officers as part of their training. Over a period of time the prison has become more professional, and some of those houses have since been closed or removed.

However, it has been brought to my clear attention by a number of concerned citizens that there is a move by the corrections department to house a concentration of what can only be described as the sickest of our community. There is a suggestion that there is going to

be a concentration of paedophiles who have served their time but are now out in the community under the serious sex offenders monitoring scheme, under extended supervision orders. I understand that there will be seven paedophiles, including Mr Baldy and other serious ones, who will be centred in that location.

In my view these people are one of the problems we have in our society. However, we do not want the situation where there is a definite concentration of paedophiles in one area in an environment where there is no real direct supervision, because they are not prisoners in the real scheme of things. Apart from perhaps having monitoring devices attached to their bodies, there is no other way of monitoring them. Having a concentration of paedophiles is downright dangerous. That is what I am bringing to the attention of the minister. I am also trying to bring to the attention of the community that this may or may not happen. I ask that the minister take action to alleviate any fears or concerns of the local residents of Langi Kal Kal and indicate that no concentration of paedophiles will be located there.

### **Hazardous waste: disposal**

**Hon. D. K. DRUM** (North Western) — My adjournment matter is for the Minister for Environment in the other place. Ever since the Bracks Labor government decided it wanted to shut down the toxic waste facilities at Lyndhurst and Tullamarine, its process to find another site has been poor, to say the least, and a more accurate description would be 'disgraceful'. Firstly, the government showed up unannounced to unaware farmers in three different parts of the state to proclaim its intention was one of compulsory acquisition of private land. The ensuing fight was a serious mistake. Then, after announcing that no other sites were under consideration, the government abandoned its quest for private land and focused its attention on Crown land at Hattah-Nowingi. This was land the government had secretly been analysing for some months.

While the debate has been going about where the best place to house a toxic waste dump is, possibly the most important debate has never seen the light of day — that is, why we are putting a toxic waste dump and toxic waste by-products in glorified landfills in the first place. Quite clearly technology has improved thermal destruction methods so much that we governments of European countries and the United States of America are embracing thermal technologies and gasification plants as the preferred methods of dealing with toxic waste and hazardous waste by-products.

The Entech Group is an Australian company based in Perth which has been fighting the prejudices of various Australian state governments and their respective lobby groups for many years now. The United States of America Environmental Protection Agency has detailed a comparative analysis that proves that modern waste-to-energy technology produces less hazardous air pollutants, including dioxins, than any other fossil fuel for the equivalent energy output.

My request to the Minister for Environment is that he provide to me his factual reasoning and up-to-date scientific data that disproves the clear fact that gasification-type waste-to-energy systems are environmentally superior renewable energy providers that deal with the destruction of toxic waste, and that he investigate the possibility of engaging Entech as consultants to determine the suitability of its technology to deal with Victoria's toxic waste problem.

### **Gaming: problem gambling**

**Hon. KAYE DARVENIZA** (Melbourne West) — I wish to raise a matter for the attention of the Minister for Gaming in the other place. The matter I wish to raise concerns the issue of problem gambling and gambling in our culturally and linguistically diverse (CALD) communities.

Most members would be aware that our government has implemented a strategy that it developed and is still developing which follows the recommendations of the *Problem Gambling Research Report for Communities*, a report commissioned by the government to examine existing problem gambling services — the services that are already in place to be accessed and utilised by individuals who recognise they have a problem with gambling or by members of their families or their friends who recognise they have a problem with gambling. The government has looked at those services and has consulted with ethnically diverse communities so that when such services are developed, put in place or recognised as being needed they will be culturally sensitive and will have a targeted approach to people from CALD communities to tackle problem gambling. We need to be providing culturally and linguistically appropriate responses to problem gambling in our culturally diverse communities. We recognise there are issues, concerns and problems in CALD communities.

Specifically my query is: what new initiatives or programs is the minister or his department considering or implementing? I would like to know specifically what action they are taking that is aimed at problem gambling in our CALD communities. Those communities are not just in metropolitan areas, where

we have large numbers of people from CALD communities, but also in rural and regional areas, where large CALD communities have access to gaming and gaming machines. I am interested in knowing what specific programs the minister is developing in this area.

### **Devilbend Reservoir: conservation reserve**

**Hon. D. McL. DAVIS** (East Yarra) — My matter tonight is for the attention of the Minister for Environment in another place. It concerns Devilbend park on the Mornington Peninsula in the lower house electorate of Hastings.

**Ms Hadden** — Don't expect an answer, Mr Davis!

**Hon. D. McL. DAVIS** — No, I do not expect an answer. I am very aware that this government rarely answers questions and is usually prepared to block the release of information and sensible requests. But I note that the government has followed the Liberal Party and proclaimed a conservation area at the Devilbend Reservoir which is a zone of 1057 hectares situated in the middle of the Mornington Peninsula. It is an important zone and natural values of significance in terms of biodiversity and particularly bird life. I pay tribute to the work of Ms Rogers and others from Birds Australia, who have brought forward new significant scientific evidence about the importance of that site for bird life. I equally note the importance of the zone as part of an integrated biodiversity plan for the Mornington Peninsula. The size of the land is important.

The government made its announcement some days after the Liberal Party had declared it would turn the whole 1057 hectares into a conservation park. The government churlishly, without consideration for the long-term interests of the community of Victoria and the peninsula, and with a lower level of generosity than I would have hoped for, sought to flog a significant 40-hectare chunk of the land.

I know there is always an economic case for flogging public land, and treasurers and others love that, but sometimes you have to take a longer term view; this government has not been good at that. Whether it be the Kew Cottages site or Burnley or other areas, it has been prepared to flog public land.

**Ms Hadden** interjected.

**Hon. D. McL. DAVIS** — Royal Park was mentioned by Ms Hadden. Other examples exist, and I make the point that governments need to be looking at the long term. We need to be adding to the stock of

public open space and public land. We need to be adding to the stock of land devoted to cultural and environmental principles. This is the importance of Devilbend in this particular case.

I note the *Age's* editorial on this, which I think got it right in terms of the community's aims and objectives. In that light I am asking the Minister for Environment to reconsider and to act to reassess the government's position, to commit the whole 40 hectares — —

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

### **Rail: crossing signage**

**Hon. ANDREW BRIDESON** (Waverley) — I wish to raise an issue for the attention of the Minister for Transport in another place. It concerns upgrading railway crossings. I have a constituent, Mr Theodore Lascaris from Glen Waverley, who has been campaigning for improved signage at railway crossings for some time. I think he has quite a good idea that I do not believe would be too costly for the government.

It is something that occurs at level crossings in France, because Mr Lascaris has sent me a photograph which shows that it is possible, and he tells me that it works. It is really quite simple. It is a matter of having better signage at railway crossings, which reminds the public to be constantly aware that sometimes two trains come from different directions at almost the same time and that you must look both ways. The French translation on these signs is 'Do not cross without looking both ways. A train can conceal another'. He suggests we use the word 'hide'. There is a simpler sign — 'A train can conceal another'.

I note from the government's web site that the minister has established a Victorian railway crossing safety steering committee to advise the government on how to continue to respond to safety concerns at level crossings. I believe that committee was set up after the death of a pedestrian at the Bentleigh railway crossing some 12 or 18 months ago.

I consider this is a very good suggestion from my constituent, and I ask the transport minister to seriously consider it and to put this idea before the railway crossing safety steering committee.

### **Water: fluoridation**

**Ms HADDEN** (Ballarat) — My adjournment matter is for the Minister for Health in the other place. The Bracks government's typical bulldozer ways of forcing fluoridation on non-fluoridated rural and regional

potable water supplies is met with annoyance and anger by many local communities across the state. Communities are saying they do not want fluoride added to their potable water supplies.

In recent weeks we have seen petitions tabled in this place by the Honourable Peter Hall on behalf of Gippslanders and also by me, where petitioners are saying they do want forced fluoridation; they want an unbiased education program on both the arguments for and against fluoridation of potable water supplies.

Local government communities at Wodonga, Wangaratta and Horsham are also calling for the state government to run a health impact study on fluoridation and then hold a referendum. On Monday, 22 March, Horsham Rural City Council passed a resolution that the state government had an obligation to ask the Horsham community if it wanted fluoride added to its water supply. Cr Bernie Gross said it was wrong for a government to enforce the use of wholesale drugs over a community when some people may not be able to take or handle it.

Cr Gross also said that we have three options: ask the government to conduct a study on fluoride; ask the government for a referendum; or do nothing. People should be able to make up their own minds and tell the government. It is not for the government to tell the people what is best for them. Cr Michael Ryan of Horsham city council supported the motion, saying that the issue should be put to a referendum of the people.

Wodonga and Wangaratta councils are also asking the government for a health impact study on fluoride before it is added to potable water supplies, especially given that Melbourne, Albury and Echuca have had fluoride added to their potable water supplies for over two decades now. A health impact study should now be done. Ballarat's water supply has had a fluoridation ban in force since 1976, and many of my constituents are opposed to compulsory mass medication by fluoridating our potable water supply which takes away our inalienable human right of freedom of choice. People do not want our potable water supply polluted by the addition of fluorosalicic acid, the toxic waste from the phosphate fertiliser industry. Fluoridation should never be an excuse for a government's failure to adequately fund dental health care in this state.

Queensland's legislation encourages public debate and guarantees a referendum and consent of the community before fluoridation of public water supplies. The Brisbane Lord Mayor's task force in 1997 considered the issue over 12 months and came down clearly against fluoridating Brisbane's water supply.

Victoria should follow Queensland's lead on this very important social issue. World Health Organisation research shows that tooth decay has declined at a similar rate in all Western countries irrespective of the presence or otherwise of fluoride. New evidence for potential serious harm for long-term fluoride ingestion is also emerging and must be objectively debated in a full community consultation and education process.

Therefore I request the Minister for Health to listen to the calls from rural communities across this state and undertake a health impact study immediately, then a referendum in each local government area, before fluoridation is imposed on communities.

### **Officer secondary college: funding**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I wish to raise a matter for the attention of the Minister for Education and Training in the other place. It relates to the provision of a secondary school in the outer south-eastern growth corridor at Officer. This is an issue that continues to be of concern to people in the outer south-east.

Honourable members will have heard me speak previously about the growth that we have experienced in the city of Casey, where at peak 80 new houses a week were being completed, delivering 80 new families a week, 160 new cars and in many cases around 160 new children a week into the area.

While that growth has now slowed in the city of Casey, we are seeing similar growth in the shire of Cardinia between Beaconsfield and Pakenham. Growth is rapidly ramping up in that area, and it is therefore important that the government starts to turn its mind to the issue of providing adequate education facilities.

We have seen with the Casey experience that many of the forecasts done by the education department and by the Department of Infrastructure have proved to be completely inadequate in terms of their estimation of the growth rates for those areas, and there is concern that the forecasts that the department is currently relying upon for Cardinia will be similarly inaccurate.

Accordingly there is great concern among the community that there is at the moment no provision for a secondary school in the Officer area. I therefore call on the minister to ensure that the process is started immediately for the identification and reservation of an appropriate future site for a secondary school in Officer.

### **Boating: Mallacoota ramp**

**Hon. PHILIP DAVIS** (Gippsland) — I raise a matter for the attention of the Minister for Planning in the other place concerning the Mallacoota, Bastion Point, ocean access boat ramp.

The East Gippsland Shire Council is the proponent of a project to replace the existing ocean access boat ramp at Bastion Point, Mallacoota, with an upgraded facility built to the current Australian standard.

Mallacoota has a permanent population of 1000 and is a major Victorian centre for the harvesting and processing of wild abalone. Twenty-six abalone licence-holders harvest some 500 tonnes per annum, with a value of approximately \$17 million. Sixteen commercial fishing licence and permit-holders currently launch boats at Bastion Point. Mallacoota Inlet has been closed to commercial fishing operations. Mallacoota is a major holiday and tourist destination in eastern Victoria with a holiday season population of 6500. Mallacoota is the service centre for Gabo Island, Victoria's eastern marine parks and the Croajingalong National Park.

The current facility was built in the 1960s and has reached the end of its economic life. Boats are required to be launched with a tractor and two crew, and the ramp is not easily utilised by recreational boat users. It is located adjacent to Mallacoota's main swimming beach and is popular as a nursery surfing area. It requires the regular removal of sand, requires that vehicles have access to the beach, provides the only ocean access for licensed abalone and commercial fishermen, is the only ocean access boat ramp between Cape Conron and Eden in New South Wales, and is a major community asset and contributor to the Mallacoota economy.

There are major safety issues, and these need to be resolved. Since the 1980s, and in particular since 1988 when the first study by the Port of Melbourne Authority was commissioned, there have been 18 years of ongoing discussion. The matter is still not resolved but is in a formal process.

An environment effects study (EES) process is partially complete. A coastal processes study has been completed in accordance with the requirements of the technical reference group and accepted by the shire. It is in accord with the council's wish that the community has been kept involved and informed and that the report is public. Six technical studies have been undertaken, and the reports have been examined by the technical reference group. They have revealed there is no reason

why the boat ramp should not be built. As I say, this is an issue of public safety because of the conflict with swimmers, surfers and boat users. The final study of the EES is now in hand.

Accepting that due process must be followed, will the minister expedite all further approval processes to relieve the community and council of the costs in time and money?

### **Schools: Bendigo**

**Hon. D. K. DRUM** (North Western) — As I have already raised an adjournment matter, I seek leave from the government to make up for the adjournment matter I missed out on yesterday.

#### **Leave granted.**

**Hon. D. K. DRUM** — My adjournment matter is for the Minister for Education and Training in the other place. Recently the government, through the education department in the Loddon-Mallee region, produced a business plan for the future of Bendigo's year 7 to year 10 secondary colleges. Under the plan, Weeroona College and Eaglehawk Secondary College will have new schools built on their existing sites. Their catchment areas and therefore their student population is not expected to alter to any significant degree.

The situation is different for Kangaroo Flat, Golden Square and Flora Hill secondary colleges. Under this government proposal Golden Square will be shut down and its students will be forced to attend the new schools being built at Flora Hill and Kangaroo Flat. The student population at these two schools is expected to be in the vicinity of 1200 to 1300 per school — just for years 7 to 10. For students and parents who have been involved with the Golden Square and Kangaroo Flat schools, this will roughly mean a doubling of the existing school population.

Reducing the number of government secondary schools in Bendigo from five to four, and therefore doubling the student population at two of those schools, is a very serious issue. My request to the minister is to meet with the school councils and outline how the student outcomes will be improved across all disciplines, including social development outcomes, at such large schools. The fear among Bendigo parents and students is that while Bendigo continues to grow in population we should be building additional high schools, not reducing the number of high schools available to our students.

In just a few short days parents from the Golden Square Secondary College collected over 800 signatures on a

petition calling for the education minister to revise the education plan and build a new school on the Golden Square site. I have examined a wide range of research that has been carried out in Victoria, within Australia and overseas. That research clearly states that for effective education the appropriate size for years 7 to 12 secondary colleges is somewhere between 400 and 800. When that figure is extrapolated back to year 7 to year 10 students, you find that the ideal size should be somewhere around 550 at the maximum. Yet here we have a plan that will see a maximum college population in the vicinity of 1300.

I have previously called on the minister to provide data that stipulates why outcomes are improved with such extreme high numbers at one school. Many Bendigo parents are concerned that the plan to create four year 7 to year 10 schools has nothing to do with student outcomes, but is simply the best plan available for an inadequate amount of money. We need to be assured by the minister, with a trip to the school councils in Bendigo, that this will improve our educational outcomes and not just be the best that can be done for an inadequate amount of money.

### Responses

**Ms BROAD** (Minister for Local Government) —

The Honourable David Koch raised a matter for the Minister for Agriculture in the other place and sought funding assurances for the Wimmera–Mallee pipeline. I will refer that matter to the minister.

Mr Hilton raised a matter for the Minister for Industrial Relations in the other place. He requested that the minister communicate to the Western Port community the Victorian government's response to the actions of the federal government on industrial relations. I will refer that matter to the minister.

The Honourable Ron Bowden raised a matter for the Minister for Transport in the other place concerning safety concerns at the intersection near the Baxter Tavern in his electorate, and is seeking action by VicRoads. I will refer that matter to the minister.

The Honourable John Vogels raised a matter for the Minister for Police and Emergency Services in the other place seeking funding for Crime Stoppers in the country. I will refer that request to the minister.

The Honourable Richard Dalla-Riva raised a matter for the Minister for Corrections in the other place seeking assurances in relation to possible use of housing at the Langi Kal Kal prison. I will refer that request to the minister.

The Honourable Damian Drum raised a matter for the Minister for Environment in the other place concerning the management of hazardous waste, including gasification waste-to-energy technology. I will refer that matter to the minister.

The Honourable Kaye Darveniza raised a matter for the Minister for Gaming in the other place in relation to information about new programs and actions that have been implemented for culturally and linguistically diverse communities in relation to problem gambling. I will refer that request to the minister.

The Honourable David Davis raised a matter for the Minister for Environment in the other place seeking further protection of land at the Devilbend reservoir park on the Mornington Peninsula. I will refer that request to the minister.

The Honourable Andrew Brideson raised a matter for the Minister for Transport in the other place concerning a request that the minister consider ideas to further improve safety at level crossings. I will refer that request to the minister.

Ms Hadden raised a matter for the Minister for Health in the other place seeking health impact studies and referenda in relation to the fluoridation of water supplies. I will refer that request to the minister.

The Honourable Gordon Rich-Phillips raised a matter for the Minister for Education and Training in the other place concerning population growth in the shire of Cardinia and the need for the identification of a future site for a secondary school at Officer. I will refer that request to the minister.

The Honourable Philip Davis raised a matter for the Minister for Planning in the other place seeking that the minister expedite the planning process in relation to the boat ramp at Mallacoota. I will refer that request to the minister.

Finally, the Honourable Damian Drum raised a matter for the Minister for Education Services. He requested that she meet with school councils in the Bendigo area to discuss education outcomes associated with the schools in the Bendigo area.

**Motion agreed to.**

**House adjourned 5.23 p.m.**

