

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 30 May 2006

(Extract from book 6)

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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¹ Ind from 17 September 2004
ALP from 10 November 2005

² Ind from 7 April 2005

³ Ind Lib from 30 November 2005

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Tuesday, 30 May 2006

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

9 May

**Aboriginal Heritage Act
Drugs, Poisons and Controlled Substances (Aged
Care Services) Act
Drugs, Poisons and Controlled Substances
(Prohibition of Display and Sale of Cocaine
Kits) Act
Land (St Kilda Triangle) Act
Road Safety (Drugs) Act
Sustainable Forests (Timber) (Amendment) Act
Valuation of Land (Amendment) Act**

16 May

**Disability Act
Education and Training Reform Act.**

AUDITOR-GENERAL

Appointment

The PRESIDENT — Order! I have received a letter from the Honourable Christine Campbell, MP, chair of the Public Accounts and Estimates Committee. It reads:

On 25 May 2006 the Governor in Council accepted the recommendation of the Public Accounts and Estimates Committee and appointed Mr Des Pearson as Victoria's 25th Auditor-General.

Mr Pearson will take up his appointment on 1 October 2006.

RULINGS BY THE CHAIR

Sub judice rule

The PRESIDENT — Order! On 4 May 2006 Mr Pullen asked a question without notice to the Minister for Local Government which related to the Victorian government's challenge in the High Court of Australia to the federal government's WorkChoices legislation and its effect upon local government services.

Mr Rich-Phillips then raised a point of order seeking clarification as to whether asking such a question may infringe the sub judice convention as the matter was before the High Court.

Although I allowed the question, Mr Rich-Phillips raised a further point of order at the conclusion of question time in which he referred to my ruling on 21 August 2005 that, if a court date on a civil action has been set, the matter is sub judice. I therefore undertook to report back to the house in due course.

The sub judice convention is a restriction on debate which the house imposes on itself where there is a danger of prejudicing proceedings before a court, unless the house or the Chair determines that the matter is important enough to discuss as it is of public importance.

The longstanding approach to the application of the sub judice rule in relation to civil matters is that they should not be referred to if a court date has been set. Previous rulings in this house, including that of 11 August 2005, have reinforced this principle. However, in considering this particular issue, I believe that there are grounds for qualifying this principle to some extent.

It has been ruled in the Senate that the Chair will not allow references to matters which are awaiting adjudication in the courts if such reference may prejudice proceedings. But it does not necessarily follow that, just because a matter is before a court, every aspect of it must be sub judice and beyond the limits of permissible debate in Parliament. Such a limit would be too restrictive of the rights of Parliament. I believe the Senate position is an appropriate benchmark for this house to adopt.

In applying the sub judice convention to this particular case I have considered the following matters: whether there is a real danger of prejudicing the case if debate is allowed to occur in the house; the danger of prejudice occurring versus the public interest in this matter; whether the danger of prejudice will occur if the case is being heard by a judge or judges as opposed to a jury; and whether an individual's rights will be unduly transgressed or injured if the matter is discussed prior to judgment.

I understand the case referred to by Mr Pullen was listed in the High Court of Australia on the same day that he asked the question. That matter is to be determined by judges, not a jury.

I see no real danger of prejudicing the outcome of this case by allowing debate to occur as I believe members

of the High Court bench are highly unlikely to be influenced in their judgment of this particular case by parliamentary debate. The danger of prejudice would be much greater if a jury were involved in the proceedings. There is also considerable public interest in this matter, and no single individual's rights will be unduly prejudiced or injured by allowing the issue to be debated in this house.

Therefore I am of the firm view that this matter is a significant public policy issue and the house should not be unduly restrained in debating that policy as it is of major public interest to the people of Victoria.

QUESTIONS WITHOUT NOTICE

Electricity: interval meters

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Energy Industries. In relation to the planned rollout of advanced interval meters with two-way communications from 2008, the national electricity rules, to which Victoria is bound, allow electricity retailers to determine on behalf of consumers who is responsible for the provision of such meters. I ask the minister to advise whether retailers can choose not to participate in a distributor-led rollout program but instead contract with competitive service providers to plan and implement their own programs?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question. I know he supports the rollout of smart meters to the people of Victoria because it is one of the most significant infrastructure developments this state has embarked on in the energy sector. The program involves putting new smart meters into 2.3 million homes and businesses and in so doing providing an opportunity for businesses and consumers to monitor on an ongoing basis through two-way communication the amount of power being used and to have the functionality to turn power on and off. This will mean that a range of benefits will be captured. I have informed the house before about the benefits that have been identified through independent studies and that there will be a net economic benefit to the state of Victoria.

An initial decision to mandate a rollout of interval meters to occur from 2006 was made by the Essential Services Commission, not by the government. The government decided that that level of rollout was not going to have the effect we wanted because, firstly, the program would have involved 20 or 30 years of rollout

before every house was covered, and secondly, it did not have two-way communication as part of the framework. We decided therefore to do our own analysis following the Essential Services Commission decision and came up with the view that not only should the meters be two-way communication meters and not only should the program be mandated but it should be accelerated so that the whole program would occur within five years. This will make it a massive \$800 million infrastructure program in the power sector which will deliver huge benefits for Victorians.

In deciding that this had to be a mandated program we had to find a way to ensure that in the end somebody had responsibility for delivering it — that is, for actually installing the meters. The Essential Services Commission model provided that final responsibility for delivering the meters should rest with the distribution companies, because they hold the infrastructure. However, that does not preclude a retailer, if they so desire, from bidding for and installing advanced interval meters. The issue here is that there has to be someone who is responsible in the end. The bodies which are responsible in the end in this instance are the distribution companies; otherwise, you would not have a mandated program. If all you had was a competitive situation in which anybody who wanted to could come in to install a meter, obviously you would not get every meter put in within the five-year program. That is why the Essential Services Commission decided on the model it did. We think that model will work. It will be a great program that will deliver jobs to Victorians and a better service.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his response. In effect he has indicated that it is his intention to circumvent retailer choice by requiring electricity retailers to commence paying metering charges to distributors that incorporate the distributors' costs for rolling out advanced interval meters before such a rollout even commences, thus robbing retailers of the funds needed to contract with competitive service providers and effectively denying them any choice at all. Is this not a fact?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The comments made by the opposition leader are not correct. They are based on comments from a certain Mr Bogaers, who continues to write to the papers and wants to have the capacity to install meters. He is not even a retailer. He has a private company and wants the right to be able to go in and install meters irrespective of any other arrangements

that have been put in place with retailers and the distributors.

The retailers will have the capacity. The comment made that this will be a monopoly situation is not correct, but this is a circumstance where there is an end-of-the-day responsibility. At the end of the day the responsibility for installing the meters rests with the distributor. But that does not stop other entities, including retailers, being involved — —

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

Latrobe Valley: coalfields

Ms ROMANES (Melbourne) — My question is to the Minister for Resources, the Honourable Theo Theophanous. I refer the minister to the government's commitment to attracting investment in the Latrobe Valley's coal industry and ask if he can inform the house of recent announcements that show that the Bracks government is delivering on that commitment.

Hon. T. C. THEOPHANOUS (Minister for Resources) — I thank the honourable member for her excellent question. The future development of the vast coal resources of the Latrobe Valley in a sustainable way is one of the ongoing policy objectives of the Bracks government.

I advise the house that the future development of the valley coalfields took another major step forward last week when Anglo American, the international mining giant that owns the proposed \$5 billion coal-to-liquids Monash Energy project which was born out of the brown coal tender — an initiative of this government and of my predecessor, I might say — announced a new clean coal energy alliance with Shell.

Hon. Philip Davis — I have read the press release too.

Hon. T. C. THEOPHANOUS — In a joint news release and in briefings last week with me, it was announced — —

Hon. Philip Davis — It had nothing to do with you!

Hon. T. C. THEOPHANOUS — The honourable member says it has nothing to do with the government. For the information of the Leader of the Opposition, let me make this point: the brown coal tender was put up by this government, not by the previous government. As a result of the brown coal tender, a company called Australian Power and Energy Ltd was granted a tender

over this particular area with a view to a coal-to-liquids gas program.

We then encouraged APEL to find a bigger partner to ensure that this project got off the ground. Ultimately it was able to attract Anglo American. Now we have been able to get Anglo American and Shell, two major companies, involved in this very important project. The alliance's stated objectives are to extract, gassify and then convert coal into chemicals, hydrogen power, liquid hydrocarbons and other uses. More importantly this project entails the development and use of geosequestration, so it will operate at close to zero emissions when it is in full production. It will provide hundreds of jobs and a new future for the Latrobe Valley.

This announcement is just one example of the results of the comprehensive policies of the Bracks government that are making Victoria a great place to work, live and raise a family, as opposed to the Leader of the Opposition in another place, who refuses to tell Victorians what he stands for, including where he stands on these issues. For the six years of the Bracks government Victoria has led the world in seeking to develop new technologies and incentives that will encourage a transition to a new clean coal future for the coalfields of the valley.

Hon. Bill Forwood — Did you say 'led the world'?

Hon. T. C. THEOPHANOUS — You heard me! The contrast between our efforts to develop a real future for the valley and the record of the previous Liberal government is stark.

Hon. Bill Forwood — Are you sure only 'the world'? What about 'the universe'?

Hon. T. C. THEOPHANOUS — You were part of it, Mr Forwood. The previous government privatised everything in the valley without any plans for the future: no plans for further development, no plans for a new clean coal future, no plans to diversify the coal industry in the valley and no plans when it privatised — and a decade on, it still has no plans! This government is about developing a future for the Latrobe Valley. The opposition and the current Leader of the Opposition stand for nothing.

Electricity: interval meters

Hon. PHILIP DAVIS (Gippsland) — I direct a further question to the Minister for Energy Industries and I follow up on his earlier answer in relation to the Victorian Essential Services Commission's decision in October 2005 when it approved distributor metering

charges to fund the rollout of manually read interval meters commencing from January this year. I understand the interval meter rollout has in effect been placed on hold by the decision of the government.

I ask the minister if it is his intention that the funds currently being collected from electricity consumers to pay for the rollout of manually read interval meters be used to fund trials of advanced metering communications proposed for later in the year.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The Leader of the Opposition can scratch around as much as he likes in relation to this particular issue. This is a great announcement. This is a fantastic initiative. Let me make this clear: there will be trials; trials will take place. These trials are supported by the government. The trials are in order for us to identify the absolute best technology that should be used in relation to the rollout of these meters. We do not want to make a mistake about this. We want to make sure that we have the best available meters to use in this rollout. It is an \$800 million program. The government is in fact putting money towards these trials in order to ensure that we get the best outcome.

The budget initiatives that will shortly be announced will be accompanied by statements about reductions in electricity pricing. Far from what the Leader of the Opposition is trying to say — that somehow or other consumers of electricity are worse off as a result of the initiatives taken by this government — the fact of the matter is that electricity prices in this state have continued to come down. The announcements will be about reductions in electricity prices beyond even what has already occurred.

While prices for electricity are coming down in Victoria, in other states we are seeing the exact opposite taking place. Achieving these reductions takes good management, which is something the previous government was not interested in. It takes tough negotiation with the electricity distribution and retail sector in this state. We understand that there is only one thing standing between consumers and not getting a proper deal in relation to service delivery and pricing — that is, the government.

It is something which the previous government did not want know about and did not care about, because all it did was sell the electricity industry, sell the gas industry and collect the money from doing that but do nothing with the money to help Victorians. Victorian consumers were left out in the cold as a result of the actions of the previous government.

This government cares about consumers. We will look after consumers; we will make sure the right and best technology in the world will be available to consumers in coming years as we roll out the interval meters. Quite frankly, the opposition leader should get on board and come out and congratulate the government for arranging to have these interval meters put into people's homes. As a result of good management and of working cooperatively with the industry it will be done without an increase in electricity prices. It will be accompanied by reductions — not increases — in the price of electricity for consumers.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I refer to the minister's response and go back to the point that these funds are currently retained by the five distribution businesses that have each committed to undertake advanced communications trials. Are these funds also available to electricity retailers so that they can coordinate trials with competitive service providers?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — As I indicated to the member, who obviously was not listening, the trials are being coordinated by the government. They include government funds to assist in the trials and they will result in the government deciding on the most appropriate technology.

Hon. Philip Davis — You are shutting retailers out. You do not want competition; you want a monopoly.

Hon. T. C. THEOPHANOUS — We want the best technology. We do not want somebody else to decide the best technology. We want to do that. When we decide on the best technology it will be within the broad parameters of what we want in the technology. I repeat: the trials will be undertaken by the Department of Infrastructure using government funds for pricing distribution businesses. They can pay for their own technology, but we will be conducting the trials on behalf of the government.

Mining: investment

Ms CARBINES (Geelong) — My question is to the Minister for Resources. I refer the minister to the government's continuing commitment to attracting investment in Victoria's second gold rush, and I ask if he will inform the house of recent events that show yet again that the Bracks government is delivering on that commitment.

Hon. T. C. THEOPHANOUS (Minister for Resources) — I thank the member for her question. Let

me indicate that the development of Victoria's goldfields is one of the great success stories of this government. We are seeing in this state the development of what has been termed a second gold rush. It is one of the most important developments that has occurred in central Victoria. The Fosterville mine, operated by the Perseverance company, is one of the examples of development within the gold industry.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — You don't want to know the answer, obviously.

I recently opened the development at the Perseverance goldmine at Fosterville, and that goldmine is now moving its operations underground. It is a very important development because it will allow Perseverance to ramp up — —

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden!

Hon. T. C. THEOPHANOUS — I will get to you in a minute, Dianne.

That goldmine will go underground and it will allow Perseverance to increase its production to more than 100 000 ounces per annum. It adds to other goldmines that have been developed in the central goldfields of Victoria and is part of a program which the government is encouraging, which is called Developing Gold Undercover. Under that program we are spending funds to help develop these goldfields in this region of Victoria.

In the Bendigo region alone we will have the Bendigo mine, a major development which will be mining underground and which is set to be opened in the latter part of this year and begin production of gold in a short period of time. When you also add to that the development of the Perseverance mine at Fosterville, you find that in the central region around Bendigo, Ballarat and Stawell five new underground goldmines will be operating in Victoria within the next two years.

Hon. Bill Forwood — What is the price of gold?

Hon. T. C. THEOPHANOUS — The price of gold, for Mr Forwood's information, is very high.

Hon. Bill Forwood — What is it?

Hon. T. C. THEOPHANOUS — It was \$680 the last time I looked, which is high enough to make many of these developments in central Victoria viable.

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

CityLink: concession notes

Hon. W. R. BAXTER (North Eastern) — I will ask the Minister for Finance question to give the Minister for Energy Industries time to shuffle his briefing papers. I refer to the recent announcement that CityLink concession notes are to be redeemed early. Did the government initiate this proposal or was it approached by Transurban?

Mr LENDERS (Minister for Finance) — I always welcome Mr Baxter's questions. When I reflect back over the time since Mr Baxter got here in 1970, I realise he has been a member of the Country Party, the National Alliance, the National Country Party, the National Party, the Vic Nats and The Nationals — and will he be a member of the New Liberal party before these sittings are over?

Mr Baxter asked a serious question about concession notes. In general terms we all know the history of the CityLink project. We know of the 34 years before concession notes come due, and we obviously know of the public debate about when the government will get maximum value for that. This question is specifically within the portfolio responsibility of the Treasurer, so I will not presume to answer it in this house. The government will at any time welcome the best use of resources so we can leverage economic growth and a maximum use of infrastructure development. We will do that at all times, but concession notes are specifically the responsibility of the Treasurer.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I am disappointed that the Leader of the Government duckshoved the question to the Treasurer, but he did refer to the government being interested in getting the best use of public funds. That being so, how can he possibly justify rewarding the top end of town by paying the equivalent of more than 9 per cent on the funds that will be derived when he well knows the Crown can enter the financial market and borrow money at less than 6 per cent? How is that the best use of public funds?

Mr LENDERS (Minister for Finance) — In general terms I guess I can say that it is the Bracks government again undoing the type of economic mess that was often left to it by the Liberal-National party government, which over seven years privatised existing roads and a range of other things. The Bracks

government will always seek to get best value for Victorian taxpayers and has empowered the Auditor-General to review these arrangements and decisions. As we know, the Auditor-General has been asked to look at this particular arrangement. We are open, transparent and accountable. We welcome the Auditor-General's report. As always, we will seek to get best value so that Victorians will have to spend less time travelling on the roads and there will be a better use of resources, making this a better place to live, invest, work and raise a family.

Aged care: Well for Life program

Mr VINEY (Chelsea) — My question is to the Minister for Aged Care. I refer the minister to the government's commitment to promoting the health and fitness of older Victorians. Can the minister advise the house of Bracks government policies which assist older people in public housing to remain healthy and active?

An honourable member interjected.

Mr GAVIN JENNINGS (Minister for Aged Care) — I can assure the house that I have great confidence in referring to an event I was at last Wednesday at North Yarra Community Health, just near the Collingwood housing estates, to launch the latest aspect of a fantastic program I have had much joy in being associated with, and that is the Well for Life program.

Well for Life grew out of a support program to improve the quality of life for people living in residential aged care. Two years ago we designed, in cooperation with the National Ageing Research Institute, a guide that creates advice for the providers of residential aged care about good nutrition and the way to support the quality of life for their residents. But also, and most importantly, it was designed to try to improve the quality of physical activity for older people and ensure that capacity is maintained by their being involved in a healthy lifestyle as much as they can, despite their frailty and the onset of any disability.

We have committed \$2 million for the Well for Life program over the last two years to ensure that we go beyond the prism of residential aged care. We applied the logic in forms of community care and community-based settings, first of all through planned activity groups which were funded under the home and community care scheme. I and the people who work with me realised that we should not restrict the good advice provided through this program, and that we should try to find ways in which to permeate further sections of the community.

Last week at the North Richmond community health centre I launched the latest rollout of the program through public housing estates in the metropolitan area. An amount of \$170 000 has been allocated to provide an enhanced quality of life for older people who live in public housing. In the company of providers of neighbourhood renewal projects and community health services we announced a number of great projects in areas such as Collingwood, Fitzroy, North Fitzroy, Kensington, Footscray, Williamstown, Broadmeadows, Northcote and Heidelberg West. We rolled out an extension of those programs.

I was in the company of older members of our community who demonstrated their great capacity. In fact members of an elderly Vietnamese group performed Tai Chi to get us all enthused for a period of time. I can tell members that by the time they had finished my colleague in the other place, the member for Richmond, was exhausted from just looking at them. They turned a 1-hour program into about a 2-hour program, such was their enthusiasm and endurance. We were not only well and truly warmed up, but ultimately inspired by the fantastic attributes of these older members of the community. It was just one example of a whole range of people from public housing estates who will be involved in this program; they will be encouraged to come out and enjoy one another's company.

These exercises are good for people's hearts and minds, as well as their physical wellbeing. They will be provided with useful advice about the way in which they can ensure their nutrition is of the highest standard, and they will be encouraged to participate to ensure their quality of life. We are trying to ensure that people are involved in planned activity groups and, going back to the starting point of this program, that older members of the community right throughout Victoria who live in residential aged care have every right to expect the highest standards of diet, the highest standards of physical participation and support and encouragement for their healthy independence for as long as it can possibly be sustained. I was pleased to be joined on that occasion by Jan Moore, who resides in public housing in Northcote. As part of the Well for Life program she will be out on her exercise machine as we speak!

Hazardous waste: Nowingi

Hon. D. McL. DAVIS (East Yarra) — My question without notice is to the Minister for Major Projects, Mr Lenders. I refer to the Hattah-Nowingi toxic waste dump planning panel and the case to be presented to this panel on behalf of the major projects section of the Department of Infrastructure over 21 days. Will the

minister confirm to the house that the Department of Infrastructure will pay barrister and Labor candidate Mark Dreyfus more than \$80 000 for his 12 days of evidence?

Mr LENDERS (Minister for Major Projects) — At least Mark Dreyfus gets his papers in on time, unlike Mr David Davis, who cannot even keep up with the 1700 submissions from the public on the environment effects statement (EES), including from the member for Mildura in the other place, Mr Savage, and from Mr Bishop. Some 1700 members of the community got their papers in on time, but Mr Davis had to come in at the last minute, scurrying around to seek an exemption, late, after the event. Mr Davis is not the only one who is slow. Ms Lovell, who again purports to represent northern Victoria in the Parliament — and who still thinks Nowingi is somewhere to the east of Omeo — did not get her papers in either.

First and foremost, the Nowingi EES is something that this government takes very seriously. Obviously the Department of Infrastructure is briefing Mark Dreyfus, SC, on this matter. As to what Mr Dreyfus is being paid, I do not sign off on what the payments are on those issues within the department, but I do know that this government believes very sincerely in an EES process that needs to be done well. As Mr Bishop has requested in this place on several occasions, we have twice extended deadlines to allow the community to put in — —

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden!

Mr LENDERS — We had 24 initial detailed submissions and then a further six supplementaries came later. So that there could be an informed decision it is not only appropriate but also absolutely necessary that the government is represented at that place. Major Projects Victoria has commissioned a top barrister in this state to represent the state of Victoria. He is a great barrister.

I invite and urge Mr Davis, if he is interested in waste containment — rather than stirring up trouble after the event in this place, thinking he is such a clever man by going on about what a barrister is being paid — as the shadow Minister for Environment to actually focus on the issues of waste management lest the Leader of the Opposition, Mr Baillieu, should shuffle shadow ministers for the sixth time in the last five months.

I would urge Mr Davis to focus on the principles of EES so that if he is ever a minister, he will pay some attention to it. I would also urge him to engage

communities, look at the process and find solutions for long-term waste containment facilities instead of playing politics with the Mildura community on this particular issue.

This government has an EES. We are determined to find solutions to long-term waste containment, and we are determined to manage an open and transparent process that the Sunraysia community can participate in so that the whole of the state can have confidence we will actually get some answers and outcomes on what is a critical environmental and planning issue in the north of this state.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — The minister sought to duck that question because he finds it embarrassing that it is in fact a \$7000-a-day contract that Mr Dreyfus has. He will be paid more than \$80 000, and it may be growing at a very fast rate when you start to add in the disbursement costs that are growing as the government gravy train rolls on.

If the minister cannot confirm a precise amount today that Major Projects Victoria negotiated with Mr Dreyfus, will he confirm that the Dreyfus arrangements are open-ended and therefore could blow out by tens of thousands of dollars more?

Mr LENDERS (Minister for Major Projects) — The only thing I am embarrassed about in this house is that Mr David Davis is drawing on a parliamentary salary, purporting to be the shadow Minister for Environment, purporting to care about waste containment, purporting to care about the future of the environment — yet the best he can do is aspire to have Mr Dalla-Riva's job again. Clearly another reshuffle is coming, because he wants Mr Dalla-Riva's job; he is not talking about the environment portfolio.

At any time I get up in this place to talk about my portfolio and waste containment issues and about how we deal with Nowingi, I invite Mr David Davis to focus on the big picture — on how we deal with waste containment and how we do not just play politics — but for him not to focus on trying to take Mr Dalla-Riva's job.

**Information and communications technology:
eServices Panel**

Ms MIKAKOS (Jika Jika) — I direct my question to the Minister for Information and Communication Technology, the Honourable Marsha Thomson. The Bracks government's ICT industry plan makes a commitment to:

Ensure that government ICT procurement practices encourage competition and innovation whilst pursuing value for money.

Can the minister provide the house with an example of how the Bracks government is meeting this commitment?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the member for her question. Governments are one of the biggest users of information and communications technology (ICT) in this country. In realising that this is important, and is important in growing the industry in Victoria, the Bracks government has worked very hard with the sector to identify the barriers to our small local ICT firms accessing government contracts.\

One of the main reasons small firms do not tender for contracts is the cost of doing so, particularly for smaller jobs where the cost of submitting a tender outweighs the value of the job. That is why the government has developed the eServices Panel. It works across a range of ICT services, and firms provide the information needed to tender once a year instead of for every single contract they may be interested in. That enables this panel, established by the government, to provide work based on quotes given rather than full tender documents. This applies to contracts valued at under \$1 million, and everybody has to abide by the same terms and conditions. Their ability to perform the work is assessed once a year in establishing their right to be on the panel.

The results have been great. They speak for themselves: of the 208 companies on the panel, more than 80 per cent are Victorian or Australian small and medium-sized enterprises. Over 1000 contracts worth \$54 million have been awarded through the panel system since 2003, with 70 per cent of these contracts being awarded to Victorian companies. The panel has saved the ICT industry an estimated \$37 million by reducing tendering costs. This has meant we are more efficient as a government as it is providing us with more efficient processes.

The eServices Panel is strongly supported by the ICT industry. In fact Rob Durie, the chief executive officer of the Australian Information Industry Association, was recently quoted as saying, 'The eServices Panel is certainly making it easier for local, niche companies to access contracts.'. Given the results to date and the overwhelming endorsement from the industry, I would be shocked if anyone was opposed to using such a panel. However, we have not heard from the opposition in relation to its position. I hope it will stand up and support the local ICT industry in this state and publicly

come out and support the eServices Panel and the work it is doing to encourage local ICT companies to seek government work, which gives them the reputation necessary to go on and gain other work. The Bracks government is committed to supporting the ICT sector in this state, to giving it the best opportunity we can as a government to grow and develop. The eServices Panel is just one example of the policies of the Bracks government which are making Victoria a great place to work, grow your business, live and raise a family.

Geelong: councillors

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. Geelong ALP councillor David Saunderson has revealed himself to be the bagman who spent \$71 000 of Geelong businessmen's money on ALP candidates who contested the 2004 election. Has the minister or anyone in her department divulged any information contained in the Whelan report to any ALP councillors in Geelong, thereby causing Cr Saunderson to come clean before the report is made public, predicting he will be fined under the Local Government Act?

Ms BROAD (Minister for Local Government) — In response to the member's question, I can advise that the inspector of municipal administration, Mr Whelan, has presented me with his report. As I have previously advised the member in this place, I have referred that report to my department for advice. As part of that process, my department is seeking legal advice about actions under that report. As soon as I receive that advice, as I have also previously advised the member, the report will be tabled in the Parliament and I will advise the house of my response to the report in relation to any actions it recommends and any legal advice I receive about that. I will do that at the earliest opportunity.

I can also indicate to the member that the process followed by the inspector of municipal administration is one where, as part of processes he determines, as part of interviewing a range of people and checking with them what he has determined to report in his report, he has a whole series of interviews with a whole range of people. It is then up to those people to make their own decisions about what they do or do not say publicly. I am not involved in that process, nor will I be. I do not think it is appropriate for the Minister for Local Government or her office to be involved in that process. I think that answers the member's question as to the processes I am following and my office is following. This information is entirely consistent with what the member has previously been advised in this place.

Supplementary question

Hon. J. A. VOGELS (Western) — I thank the minister for her answer. Cr Saunderson also admits he managed the finances for printing and distribution of campaign materials for himself and his ALP mates and dummy candidates. Will the minister further investigate whether these activities were carried out at taxpayers' expense through the parliamentary office of the Honourable John Eren, where Cr Saunderson is employed as an electorate officer?

Ms BROAD (Minister for Local Government) — As to the supplementary question, I think it would be prudent to wait for the report from the inspector of municipal administration before the opposition starts calling for further reports. For my part, I reiterate that the government fully supports transparency in relation to these matters. I welcome the openness with which the council is approaching resolution of these issues, and I look forward to tabling the report as soon as it is possible to do so.

Domestic violence: government initiatives

Hon. C. D. HIRSH (Silvan) — I ask a question without notice of the Minister for Housing, Ms Broad. I refer the minister to the government's commitment to addressing family violence in Victoria. I ask the minister to inform the house of the important initiatives undertaken by the Bracks government that deliver on that commitment.

Ms BROAD (Minister for Housing) — I thank the member for her question and for her commitment to addressing family violence. The Bracks government believes every Victorian deserves to live safely in their own home. That is why this government has implemented important reforms to the way family violence is responded to in Victoria to significantly reduce the impact and incidence of family violence in our community.

As the minister coordinating the new approach to family violence in Victoria I am pleased to advise the house that the government delivered on its commitment recently when I announced the allocation of \$40.6 million over three years to expand and reform Victoria's response to family violence from July of this year. This amounts to an annual increase of more than 160 per cent for these family violence services.

This funding will be provided to some 20 partnerships across the state, involving about 70 community service organisations, to provide an integrated family violence service. The government expects the number of women

and children able to receive assistance will increase from 4700 to 7900 per year. Many families across Victoria will be able to get help for the first time, especially in country and regional Victoria.

Family violence cannot be addressed by services acting alone. The Bracks government's new approach to family violence means that, for the first time, community services, police and justice agencies will work together. For women experiencing family violence, integrated services will mean that regardless of which service they contact, their level of risk and need will be assessed in a consistent way, and they will receive coordinated support. Women will no longer have to tell their story over and over again and find their own way to the different services they need. In addition, and importantly, men who perpetrate family violence will be held accountable for their behaviour through the police and courts, and they will have more support to help them change their behaviour, which after all is what families want.

The Bracks government believes that the complexity of family violence requires a long-term approach, and that is why we have developed such a significant coordinated effort between Victoria Police, our courts, the government and community organisations that will see long-term improved responses on the issue of family violence. This announcement is just one example of the comprehensive policies of the Bracks government that are making Victoria a better place to work, live and raise a family — as opposed to the Leader of the Opposition, who refuses to tell us what, if anything, he stands for.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 6523, 6525, 6528, 6529, 6535–37, 6568–77, 6655, 6671, 7173–5, 7177, 7185, 7188–93, 7195–9, 7201, 7380–9, 7391A, 7392A, 7393–7402, 7467, 7552, 7594, 7636, 7678, 7720, 7740, 7741, 7844, 7845, 7985, 8005–7.

Hon. BILL FORWOOD (Templestowe) — President, I wonder whether the answer to question 5313 is among the answers. I wonder if I could prevail upon the good offices of the Minister for Aged Care, who is very good at his job, to see if he could expedite it. The minister will be appearing before the Public Accounts and Estimates Committee on Friday next week and I would be most grateful to receive a

response to the question before then, since I asked the question in September last year.

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Forwood for informing the house, the relevant minister and me about the time at which he will be appearing before the Public Accounts and Estimates Committee. I am certain this will be a timely reminder of the provision of the answer to the question.

MEMBERS STATEMENTS

Rick Farley

Hon. PHILIP DAVIS (Gippsland) — I take this opportunity to celebrate the life of a great Australian, somebody who died in the most tragic of circumstances on 13 May, Mr Rick Farley. Mr Farley was a former adviser to a Whitlam government health minister but spent 20 years working for the farmers of Australia in various capacities, including as executive director of the then Cattlemen's Union in the late 1970s, and for a decade he was deputy director and then executive director of the National Farmers Federation.

Rick was actively involved in taking Landcare national. He played a decisive role in native title legislation, and was very active in Aboriginal reconciliation. He is survived by his wife, Linda Burney, a New South Wales Australian Labor Party member of Parliament, and two of his own children and two of Linda's children.

I came to know Rick Farley very well during my association with the farmers federation, and I can say that his death is a great loss to the whole of Australian society. He was a bridge builder and a man who was able to straddle the complex policy challenges of Australia and bring people together and try to reconcile an outcome on many issues.

National Reconciliation Week: Monash Province

Mr SCHEFFER (Monash) — National Reconciliation Week is an opportunity to recognise Stonnington Citizens for Reconciliation and Port Phillip Citizens for Reconciliation for the work they do in Monash Province to promote awareness in their municipalities of issues concerning the relationships between indigenous and non-indigenous Victorians. I also commend the great support and leadership that both Port Phillip and Stonnington councillors give to make sure Aboriginal history and culture is recognised

in the community, that effort is put into healing the injustices of the past and building a positive future.

This year is the 10th anniversary of National Reconciliation Week. It is intended to put an Australia-wide spotlight on reconciliation activities that highlight the culture and history of indigenous people right across the country. National Reconciliation Week is also an opportunity for the country to explore new ways of moving forward.

Last Friday was National Sorry Day — a time for citizens of this country to reflect on the strength and endurance of the stolen generations. It is a day of national mourning when we reflect on the suffering of those indigenous children who were forcibly removed from their parents and families, and on the courage of those who survived to rebuild their lives.

As all of us who have suffered greatly at the hands of others know, the process of healing is very difficult and governments have a responsibility to show leadership and compassion and to provide resources that will support the healing process. I commend all the residents in Monash Province who have worked to promote reconciliation in our communities.

Rail: Lismore accident

Hon. DAVID KOCH (Western) — It is less than a month since a semitrailer collided with a Melbourne-bound V/Locity train at the Ercildoune level crossing, resulting in the deaths of two passengers.

Last Thursday saw another fatal level crossing accident near Lismore. The Lismore accident happened in heavy fog when a fully laden semitrailer collided with a Melbourne-bound freight train at another unprotected level crossing. This accident caused dozens of freight wagons to pile up on top of the semitrailer in scenes that shocked emergency workers and local residents. But the reality is that this was yet another terrible accident waiting to happen. Lismore residents feared it was only a matter of time before there was a fatality at this crossing. Indeed this very matter was raised again with the local member, the member for Polwarth in another place just three days before the accident.

The opposition has long been campaigning for more money to upgrade the nearly 1500 crossings across Victoria that have no electronic warning devices. The government's failure to prioritise funding to improve level crossing safety, such as at Lismore, reflects its neglect towards country motorists. I reiterate: the very least this government should do is not only educate drivers but put a long-term strategy in place that would

see all crossings fitted with mandatory safety devices. Horrendous fatal accidents will continue unabated if action is not taken. I implore the transport minister in the other house to make a decision so that the lack of safety at level crossings is rectified.

Peninsula Health: volunteers

Hon. J. G. HILTON (Western Port) — Recently, I was invited to attend the volunteer appreciation day at Peninsula Health. In the past two years the event has been held at the Frankston Cultural Centre. However, this year it was held at Mornington racecourse, mainly to accommodate the numbers of volunteers who attended. There were 50 tables of 10 people each — approximately 500 people were recognised as volunteers contributing to the operation of Peninsula Health. Without the tremendous work which these volunteers contribute, which I know I have mentioned before to the house, the hospital could not function — or, if it did, it would be in a completely different way from the way it functions with its volunteers.

Volunteers are indeed the glue which binds our society together and without them we would not have a society. It is totally appropriate that the volunteers are recognised by the presentation of certificates for volunteers who have been providing that service to the hospital for 10, 15 and in some cases 20 years. The celebration took the form of a lunch with entertainment by Denise Drysdale. It was a tremendous occasion and I would like to congratulate everyone involved, particularly the chairman, Barry Nicholls, and the chief executive, Sherene Devansen.

Aged care: elder abuse

Hon. ANDREA COOTE (Monash) — Today I raise the question of emotional and financial elder abuse. I have a letter from Dr John Myers in which he outlines a particularly sad case. If we were to have an ombudsman for aged care in this state, and if we were to have an office for the protection of elders, this would not have happened.

His letter is about a woman called Grace who was in need of meals and arranged for these herself. She was keen on baking bread and making breakfast. She enjoyed a glass of wine or a drink with her evening meal, watching television and using the TV guide, keeping a budgie as well as enjoying her garden and watching the birds feed on two flowering bushes. She had an arrangement to have lunch at a hostel next door. Above all she wanted to go on as she was until she was aged 90. She had taken a keen interest in euthanasia

because she was concerned about her daughter being cold towards her.

Her daughter eventually organised for her to be assessed at a moment when Grace was feeling particularly vulnerable. Eventually the assessors succeeded in having her admitted to a hospital because of her need for meals and after things were found on the floor. She was there for three days, after which she said to her daughter that she wanted to go home, only to be told there was no home. She was not even allowed to go home to pick up some things she wanted. Her daughter said the unit had been re-rented to save her paying double rent for both places and that her belongings had been sold. Her daughter said she would find other things to make her more comfortable. She had willingly given money to her daughter, but the daughter financially and emotionally abused her.

Kelletts Road, Rowville: safety

Hon. H. E. BUCKINGHAM (Koonung) — I would like to congratulate the Minister for Transport in the other place, Peter Batchelor, for his recent announcement of \$13.6 million in funding for the duplication of Kelletts Road in Rowville within my electorate. Kelletts Road carries more than 20 000 vehicles per day and has a well-earned reputation in the area for congestion and slow travel speeds during peak periods. Local residents and the Knox City Council have brought this road to my attention on many occasions, and I am delighted that my pleas and those of my colleague Anne Eckstein, the member for Ferntree Gully in the other place, have been listened to for the benefit of our constituents. Through this funding boost motorists and local residents will see a big drop in travel times and an improvement in road safety.

Kelletts Road will be duplicated between Taylors Lane and Napoleon Road. The Napoleon Road roundabout will also be upgraded to become a signalised intersection, which is great news as visibility at the roundabout is currently very poor. The stretch of road we will be duplicating has seen 25 casualty crashes, including one fatality, over the past five years. This funding will help reduce these figures dramatically. In addition new intersections signals will be installed at St Lawrence Way, providing improved access for residents in surrounding local streets, and on-road dedicated bicycle lanes will also be installed as part of the project. With the \$9.3 million Wellington Road upgrade nearing completion and other projects such as the police station, the community infrastructure of Rowville has been much improved during this government's term of office.

Racial and religious tolerance: legislation

Hon. ANDREW BRIDESON (Waverley) — I have received correspondence from the Reverend Geoff Drummond, who is a constituent of mine and an esteemed minister of the Presbyterian Church of Australia in Clayton. Geoff is deeply concerned that the government's proposed amendments to the Racial and Religious Tolerance Act do not satisfactorily address the matters raised by the 19 church leaders in their statement of concern. Reverend Drummond calls on the government in the Legislative Council to send the amendment bill to a committee of the Legislative Council. He also requests that the Legislative Council committee be asked to review the whole Racial and Religious Tolerance Act so that the strong community concerns about the adverse effects of this law can be fully considered. He also requests that the committee consider totally removing the religious parts of the act.

Reverend Drummond states that this act has caused and will continue to cause division between and even within religions and has restricted freedom of speech and religion in Victoria. Christians or any other religious person should not have to prove to a government tribunal that their genuinely held religious beliefs are reasonable. Furthermore it is not in the province of judges or the courts to make theological judgments.

Australian Labor Party: policies

Mr PULLEN (Higinbotham) — Saturday, 6 May, was one of the proudest days of my life. It is when I received from the Premier my medal for 40 years of service to the Australian Labor Party. I joined the Brighton branch of the ALP in March 1966 and have not regretted a minute of it. I joined our great party not only because of its outstanding achievements, which are still continuing today under the Bracks government, but also because of its humanitarian policies, which clearly distinguish us from the conservatives opposite.

Some of the great policies we have introduced are maternity, unemployment and sickness benefits. We established the Royal Australian Navy, the Royal Military College at Duntroon, the Snowy Mountains scheme, Medicare in Victoria, anti-discrimination legislation, freedom of information legislation, the Ombudsman and the Regional Infrastructure Development Fund. We restored health, education and police services, and we saved the environment, which was being wrecked by the Kennett government.

I could go on all day. Our greatest strength is bringing Australia's and Victoria's economies into a modern era, leading Australia safely through two world wars and

extracting us from conflicts which we should never have been in, such as the one in Vietnam. I want to remind people why I joined the Australian Labor Party by repeating the words of the great Ben Chifley when he spoke about the labour movement in 1949. It is still a driving force behind me. Big Ben said:

I try to think of the labour movement not as an extra putting sixpence into somebody's pocket —

it is well and truly upgraded now —

or making somebody Prime Minister or Premier, but as a movement bringing something better to the people, better standards of living, greater happiness to the mass of people. We have a great objective — the light on the hill — which we aim to reach by working for the betterment of mankind not only here but anywhere —

all around the world. How true those words are today!

Rail: rural and regional crossings

Hon. B. W. BISHOP (North Western) — I thank all those who contacted my office with suggestions on how we can make our rail crossings safer. The latest was Peter Brand from Horsham, who suggested that flashing lights similar to those on police cars or ambulances be installed on locomotives. It is a good idea, because a single fixed light, such as a headlight, can be hard to pick up as a moving object whereas a flashing light grabs your attention even in daylight. Having audio tactile rumble strips on the road before rail crossings is another good idea and would be relatively inexpensive to install.

People are annoyed at the environmental resistance to clearing native vegetation to assist in seeing an approaching train. It is nonsense to suggest that native vegetation is worth more than lives. Having side lights and regularly cleaned reflector strips, particularly on raised rail crossings, are other practical suggestions that have come to my office. Whilst the best solution is to install warning lights, it might not be possible to do that everywhere, so these practical solutions, if adopted, would go a long way to making our rail crossings safer.

There were also some other innovative ideas, including one involving what are called 'controlled crossing areas', which was put forward by David Bramwells of Mount Beauty. Simply put, these would be electronically operated gates in favour of trains that would open when a road vehicle approaches but would not open if a train is approaching a crossing. I am advised these are much cheaper than the traditional warning systems, so that is another option I urge the Bracks government to consider in making our rail crossings — —

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

East Timor: friendship relationships

Ms ROMANES (Melbourne) — Over 45 local councils and their communities in Australia, most of which are in Victoria, have established friendship relationships with cities or districts in East Timor over the past few years and have supported the struggle of the Timorese for development and building a better life. It has been distressing for everyone to hear of the breakdown in law and order and peace and security in East Timor in recent weeks and to know that in many places it will mean starting from scratch to rebuild infrastructure, trust and harmony.

Richard Brown, the coordinator of the Aileu friendship program at the Moreland City Council, this week reminded local people that friendship is something that does not disappear when times are tough. As Richard has reminded us, true friends stay around and support each other through difficult times, and it is important that we are in it for the long haul. This applies also at the state level.

The Bracks government has provided a range of assistance measures at the government, departmental and community levels over the past six years for the people in East Timor, and it is important when the crisis is over and political differences have been resolved that the Victorian government and people recommit their support to East Timorese development and enhanced capacity building. We need to recognise that, just as happens in Australia, legitimate differences will emerge in a multiparty system. Unfortunately on this occasion pressures in East Timor have led to a law and order breakdown. There is still enormous goodwill in Australia to see East Timor succeed as a robust democracy in the future.

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

Swimming pools: regulation

Hon. B. N. ATKINSON (Koonung) — Last night I watched a news report about a fence that fell down — I think it was in Queensland — and killed a child. It gave added poignancy to a letter that has come to me and no doubt to some other members from the Victorian Swimming Pool and Spa Association expressing its concerns about the construction of swimming pools throughout Victoria. It has pointed out that existing regulations are not working in Victoria because there are too many backyard builders who are constructing

pools without due regard to the regulations and indeed without payment of certain fees and insurances which are required under swimming pool construction regimes set down by the Building Act 1995.

I hope the government will take very seriously the Swimming Pool and Spa Association's comments and initiate a review into the existing circumstances, because I would not like to see a child killed as a result of backyard builders or owner-builders. In reality they are not owner-builders but have been encouraged by people such as fibreglass pool manufacturers and so forth to undertake works on their own behalf. There is no doubt that Consumer Affairs Victoria has a long history of complaints about backyarders in this industry, and I would be very keen to see a review of current regulations in regard to — —

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

Geelong Gallery: *View of Geelong*

Ms CARBINES (Geelong) — As a member for Geelong Province, I am delighted to support the City of Greater Geelong's community appeal to raise funds to purchase, and have on permanent display at the Geelong Gallery, Eugene von Guerard's painting *View of Geelong*.

Painted in 1856, *View of Geelong* depicts our softly undulating colonial landscape, sweeping down to Corio Bay. The painting is currently in private ownership, but when it was last displayed in Geelong in 1996 it attracted record crowds to the Geelong Gallery. Now *View of Geelong* is up for sale. It is on exclusive offer to Geelong until June 30, with the asking price of \$3.8 million.

View of Geelong would be a wonderful acquisition for Geelong Gallery and a source of pride for our people, and it would attract significant numbers of visitors to the city. The City of Greater Geelong has allocated \$600 000 towards its purchase, and the Premier has announced that the state government will donate up to \$1.5 million to match funds raised by the community. The Geelong corporate and community sectors have responded positively to the fundraising appeal, with over \$2.6 million already raised. The opportunity to bring *View of Geelong* permanently home to Geelong is too valuable to lose — indeed, it may be the last opportunity to secure this piece of our heritage in public ownership. I encourage Geelong's business community and those members of the public who can afford to donate to the appeal to play their part in bringing *View of Geelong* home.

Neighbourhood houses: funding

Hon. J. A. VOGELS (Western) — Last week I attended the 18th annual conference of the Association of Neighbourhood Houses and Learning Centres in Warrnambool. The association is the peak body for Victoria's 355 neighbourhood centres. Over 200 delegates were present, and I met many of them, including the president, Colleen Saunderson, and the executive officer, Muriel Clark.

The conference was opened by the Minister for Local Government, Ms Broad, who announced additional recurrent funding of \$27.8 million for neighbourhood houses and learning centres over the next four years — or \$7 million per annum. While grateful for any increase in funding, many delegates were very disappointed that this was nowhere near the additional \$84 million over five years they were hoping for. Their submission to the Bracks government was very well researched, and I am sure every member of this house received a copy and follow-up phone calls from their local centres.

The centres do not believe, and nor do I, that the increase in funding announced by the minister recognises the value the centres provide for local communities. Management committees will still have to provide adequate funding to properly pay program coordinators, and volunteers will still be driven to breaking point in trying to meet administrative and reporting requirements while also trying to raise money through extra user fees and fundraising events.

Today the Bracks government will announce that it is receiving revenue of somewhere around \$32 billion for 2006–07. This equates to \$90 million a day, or \$3.5 million an hour. The centres are only seeking about 2 hours of funding out of the whole year, but the Bracks government is unable to find it. I am confident that the Liberals will do much better when we are —

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

Child care: funding

Ms MIKAKOS (Jika Jika) — The Howard government is a government of lost opportunities. Despite a huge budget surplus it has failed Australian families and the families of my electorate in this year's federal budget. The federal Treasurer's offhand comment about Australian women having a third child for the country are not backed up by the federal government's policy or practice. Even federal Liberal MP Jackie Kelly has complained about the federal

budget totally neglecting child care. She said the Labor Party is taking child care more seriously than does her own party.

Australian families continue to suffer from a chronic lack of child-care places, particularly in inner city areas. Having an extra child for the Treasurer is understandably low on the priority list of Australian families, given the impossibility of their finding a child-care place for their first child. There is a huge shortage of long day care places in this country. If we are serious about addressing the declining birth rate, we need a significant boost in funding for child care.

There is no doubt that this country's child-care industry is in crisis. That is why the Bracks government recently had to step in and fill the vacuum by providing minor capital grants of almost \$6 million to kindergartens, not-for-profit child-care centres and out-of-school child-care centres. I congratulate the Victorian Minister for Community Services in the other place, and I hope that initiatives such as this may encourage the federal government to take similar action for long-suffering Australian families.

Mount Hotham: memorial plaque

Hon. E. G. STONEY (Central Highlands) — I have a letter from Josephine Zananiri from Germantown via Bright regarding a cesspool at Mount Hotham. I quote:

My family, the Lawlers, had a mountain grazing lease on Mount Hotham until the 1960s. This was removed by the state government and in the same decade an environmentally degrading ski village was hurled over the magnificent face of this mountain.

Following my uncle Bernie Lawler's death, the MCAV erected a plaque in his memory —

on what was a lovely, tranquil spot —

on Hotham. However, the ... state government has financed a ... degradation of this site with a cesspool for snow making. Now my uncle's memorial is virtually lost. None of my family were notified about this development, nor were the mountain cattlemen.

It is quite obvious that Mr Thwaites is no friend of the environment and seeks to enhance a high-cost ski village for the well-heeled, which few Labor voters would have the funds to enjoy.

I must ask ... why my family, the MCAV, and indeed the environment of Mount Hotham have been treated with such disrespect.

I have seen the cesspool on the saddle at Mount Hotham; I ask myself the same question.

Aboriginals: government assistance

Mr SMITH (Chelsea) — I rise to express my dismay after watching the *Four Corners* program on the ABC last night. On a couple of occasions over the last few years I have expressed in the house my support of Mr Noel Pearson and Mr Warren Mundine, the current ALP national president, because of their views about what needs to be done to address the appalling conditions that some of our remote Aboriginal communities are living in. If ever anyone was in any doubt as to the parlous conditions that Aboriginal people confront, it was there for them to see last night.

Disgust, dismay, serious concern — a number of adjectives could be used to describe our reaction to what we witnessed. I do not lay the blame at any one group's feet. Politicians of all persuasions and leaders of this country have to take some responsibility for what has been done over the last 30 or 40 years — —

Hon. B. N. Atkinson — Churches?

Mr SMITH — I include churches of multiple denominations. We have failed Aboriginal people in the most disappointing and pathetic way. While travelling overseas I have been embarrassed on occasions when I have been questioned by politicians or diplomats about what we are doing about Aboriginals' problems.

We have ignored them for far too long. The garbage we have heard from the chardonnay set and the black armband brigade over the years about protecting the culture of the noble savages et cetera has now simply got to be set aside, and this problem has to be addressed by all and sundry. I know there are many men and women of goodwill — —

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

PETITIONS

Water: fluoridation

Hon. P. R. HALL (Gippsland) 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 Gippsland region, in view of current scientific doubts regarding its safety (94 signatures).

Laid on table.

**Western Port Highway–Queens Road,
Pearcedale: safety**

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government direct VicRoads to investigate reinstating right-hand turns into and out of the Queens Road and Western Port Highway intersection between Pearcedale and Somerville (221 signatures).

Laid on table.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 5

Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 5*, including appendices.

Laid on table.

Ordered to be printed.

LAW REFORM COMMITTEE

Warrant powers and procedures

The Clerk, pursuant to Parliamentary Committees Act, presented government response.

**FAMILY AND COMMUNITY
DEVELOPMENT COMMITTEE**

Regulation of funeral industry

The Clerk, pursuant to Parliamentary Committees Act, presented government response.

PAPERS

Laid on table by Clerk:

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (10 papers).

Crown Land (Reserves) Act 1978 —

Minister's order of 23 April 2006 giving approval for the granting of a lease at Lorne Foreshore Reserves (three papers).

Minister's order of 27 April 2006 giving approval for the granting of a lease at Albert Park Reserve (three papers).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 34.

Parliamentary Committees Act 2003 — Treasurer's response to recommendations in Public Accounts and Estimates Committee's Report on 2005–06 Budget Estimates.

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

- Bayside Planning Scheme — Amendment C38.
- Boroondara Planning Scheme — Amendment C17.
- Brimbank Planning Scheme — Amendment C80 Part 1.
- Campaspe Planning Scheme — Amendment C29.
- Cardinia Planning Scheme — Amendment C64.
- Casey Planning Scheme — Amendment C35 Part 1.
- Darebin Planning Scheme — Amendment C10 Part 3.
- Gannawarra Planning Scheme — Amendment C12.
- Glenelg Planning Scheme — Amendment C25.
- Greater Bendigo Planning Scheme — Amendment C70.
- Greater Dandenong Planning Scheme — Amendment C77.
- Greater Geelong Planning Scheme — Amendments C65, C100, C111 and C135.
- Hume Planning Scheme — Amendments C11 Part 1, C50, C55 Parts 1 and 2.
- Manningham Planning Scheme — Amendment C57.
- Mansfield Planning Scheme — Amendment C6.
- Melbourne Planning Scheme — Amendment C116.
- Monash City Council — Amendment C62.
- Nillumbik Planning Scheme — Amendments C25 Part 1, C38 Part 1 and C39.
- Northern Grampians Planning Scheme — Amendment C19.
- Port Phillip Planning Scheme — Amendments C55 and C56.
- Pyrenees Planning Scheme — Amendment C14.
- Strathbogie Planning Scheme — Amendments C14 and C35.
- Whitehorse Planning Scheme — Amendment C51.
- Wyndham Planning Scheme — Amendment C79.

Rural Finance Act 1988 — Treasurer's directive of 25 March 2006 to the Rural Finance Corporation.

Snowy Hydro Limited — Report for the period 27 June 2004 to 2 July 2005.

Statutory Rules under the following Acts of Parliament:

- Chattel Securities Act 1987 — No. 51.
- Human Tissue Act 1982 — No. 50.
- Magistrates' Court Act 1989 — Nos. 46, 48 and 55.
- National Parks Act 1975 — No. 49.
- Road Safety Act 1986 — Nos. 52 and 53.
- Subordinate Legislation Act 1994 — No. 45.
- Supreme Court Act 1986 — No. 43.
- Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 44.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 54.
- Wrongs Act 1958 — No. 47.
- Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 42 to 44 and 51 to 55.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 32, 40, 41, 48 and 50.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

- Courts Legislation (Judicial Conduct) Act 2005 — remaining provisions — 28 April 2006 (*Gazette No. S119, 28 April 2006*).
- Sustainable Forests (Timber) Act 2004 — Part 2 and sections 109 and 138 — 18 May 2005 (*Gazette No. G20, 18 May 2006*).

EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Mr LENDERS (Minister for Finance) on motion of Ms Broad.

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

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to clarify the operation of the Racial and Religious Tolerance Act 2001 and the handling of complaints lodged pursuant to that act.

The Racial and Religious Tolerance Act came into operation in January 2002. It is important legislation for our times. It provides protection for Victorians against vilification on racial and religious grounds, and gives us a community standard about how we behave towards each other in a multicultural multifaith society. That is, that people are treated with dignity and respect, regardless of their race or religious beliefs.

Freedom of speech

The act has been challenged by some members of the community who believe it curtails freedom of speech. This has been dismissed by Justice Morris who commented that the act does not impair free speech but is reserved for extreme circumstances. I believe that the act strikes the right balance and is designed to provide freedom from vilification.

However, there has been some uncertainty as to the operation of the act, particularly regarding freedom of speech and frivolous complaints going forward.

At the recent multifaith leaders forum, held in September 2005, faith leaders gave in-principle support to the act, acknowledging that the right to practise and debate religion in a free and democratic society carries with it responsibilities to respect others.

It was agreed at the forum to consider amendments to clarify the operation of the act.

Purpose of amendments

The bill carries amendments in three areas and affects two related pieces of legislation:

- strengthening of the Equal Opportunity Commission of Victoria's investigation powers

- this requires amendments to the Equal Opportunity Act and the Racial and Religious Tolerance Act;

- clarification of the meaning of religious purpose

- an amendment to the Racial and Religious Tolerance Act; and

- tightening of procedural provisions for unmeritorious complaints

- requiring an amendment to the Racial and Religious Tolerance Act.

The proposed amendments will provide clarity to the issue of religious proselytising and reduce the risk of costly legal proceedings on unmeritorious racial and religious vilification complaints. Overall, they strengthen the Racial and Religious Tolerance Act. There are safeguards in the amendments, which I will outline.

The proposed amendments contribute to the objects of the Racial and Religious Tolerance Act, particularly in clarifying the right to engage in robust discussion as long as it does not vilify others and in promoting resolution of complaints and conciliation between those who have vilified and those who are vilified.

Promotion of racial and religious tolerance

When the act was introduced to the honourable members of this house, it was emphasised how education plays an important role in promoting tolerance and mutual respect. This is reflected in the joint statement issued from the multifaith leaders forum, which calls for consideration of education programs on racial and religious tolerance for the faith and wider communities.

There is a widely held expectation amongst faith leaders and the broader community to work in partnership with the government to promote racial and religious tolerance. The 'Just like you' media campaign was recently launched for this purpose; and work in partnership with faith leaders is in progress to distribute educational materials on the act and these amendments to faith communities and to the wider community.

The bill

I now turn to the substance of the bill.

The Equal Opportunity and Tolerance Legislation (Amendment) Bill 2006 amends sections 108(1A), 114(2) and 201 of the Equal Opportunity Act 1995, and sections 11 and 23 of the Racial and Religious Tolerance Act 2001 and inserts new sections 23A and 32 into the Racial and Religious Tolerance Act 2001.

The bill is seeking to clarify the operation of the Racial and Religious Tolerance Act and will not weaken the legislation in any way.

Strengthening of the Equal Opportunity Commission of Victoria's investigation powers

Racial or religious vilification complaints made under the Racial and Religious Tolerance Act are governed by the Equal Opportunity Act. Consequently, any amendment to improve the handling of complaints of racial and religious vilification requires amendment to the Equal Opportunity Act.

The amendment to section 108(1A) of the Equal Opportunity Act will extend the commission's complaint investigation powers so it can require a person to attend or produce documents. The legislation will provide safeguards to ensure that this power is exercised reasonably.

Strengthening the commission's investigation powers will facilitate the resolution of complaints at the investigation stage; and is likely to reduce the number of complaints that proceed to the Victorian Civil and Administrative Tribunal for resolution.

The bill seeks to facilitate the commission's investigation and conciliation processes and to promote early resolution of complaints. The amendment to section 201 of the Equal Opportunity Act means that non-compliance with both investigation and conciliation notices will be an offence under the act, subject to a penalty of 20 penalty units. These offences will now also be subject to a defence of reasonable excuse. The Magistrates Court will consider the defence of reasonable excuse on a case-by-case basis, taking into account the intention of this bill to encourage the early resolution of complaints.

For the avoidance of doubt, it is also proposed to amend the Racial and Religious Tolerance Act to clarify that the offence and enforcement provisions included in division 2 part 10 and section 210 of the Equal Opportunity Act apply to all complaints processed by the Equal Opportunity Commission, whether they are complaints lodged pursuant to the Equal Opportunity Act or the Racial and Religious Tolerance Act.

Clarification of the meaning of religious purpose

Presently, section 11(b)(i) of the Racial and Religious Tolerance Act provides that conduct engaged in for religious purposes does not contravene the act provided that it is done reasonably and in good faith. The proposed amendment to section 11(b)(i) of the Racial and Religious Tolerance Act will clarify the meaning of 'religious purpose' to include 'conveying, teaching or proselytising of a religion'. There is a safety mechanism against abuse in that 'religious purpose' would still remain subject to the requirement of reasonableness and good faith.

This amendment reinforces Justice Morris's observation in the *Fletcher v. Salvation Army* case, that the Racial and Religious Tolerance Act does not prohibit proselytising.

Tightening of procedural provisions for unmeritorious complaints

The Victorian Civil and Administrative Tribunal can hear a complaint of racial and religious vilification that the Equal Opportunity Commission of Victoria has declined to entertain, for example, because the commission considered that the complaint was frivolous, lodged out of time or lacked substance.

In his decision in the *Fletcher v. Salvation Army* case, Justice Morris recommended that a person referring such a complaint declined by the commission to the tribunal be required to obtain the leave of the tribunal before the proceeding is initiated. Justice Morris recommended that the question as to whether leave should be given should be decided on the papers.

The bill introduces a leave mechanism in inserting a section 23A in the Racial and Religious Tolerance Act. A person whose racial and religious vilification complaint is declined by the commission and who wants to pursue it at the tribunal will have to apply directly to the Victorian Civil and Administrative Tribunal for leave. Previously, the person would have requested the Equal Opportunity Commission to refer the declined complaint to the tribunal.

The bill also introduces a discretion for the leave application to be heard by the tribunal 'on the papers'; in other words, without oral submissions, witnesses and legal representatives. There are safeguards. The bill does not restrict the tribunal's discretion to hear the leave application on the basis of the documents alone. In some cases the tribunal may decide that it is not appropriate to hear a leave application on the basis of the documents alone, for example, where language barriers or disabilities restricted a party's capacity to present their case in written form.

This amendment will reduce the risk of costly legal proceedings on unmeritorious racial and religious vilification complaints.

Summary

In summary, this bill strengthens the Racial and Religious Tolerance Act 2001 by:

strengthening the investigative powers of the Equal Opportunity Commission to encourage the early and effective resolution of disputes;

clarifying the meaning of religious purpose to support the right to engage in robust discussion, as long as it does not vilify others; and

introducing a leave requirement and allowing the tribunal a discretion to hear the leave application on the basis of the documents, in other words without oral submissions, witnesses and legal representatives. This will facilitate the earlier resolution of racial and religious vilification complaints and reduce the risk of costly and unnecessary hearings.

I commend the bill to the house.

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

Debate adjourned until next day.

TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Mr LENDERS (Minister for Finance) on motion of Ms Broad.

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

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to amend the Terrorism (Community Protection) Act 2003 to assist Victoria in meeting the challenge posed by the threat of terrorism.

Honourable members will be aware that earlier in these sittings, amendments were made to the Terrorism (Community Protection) Act 2003 to introduce laws that all of the states and territories agreed to enact at the special meeting of the Council of Australian Governments on counter-terrorism held on 27 September 2005.

This bill reflects further consideration of the act and the measures that the government views as necessary to secure the Victorian community and its infrastructure. Honourable members can be assured that the Victorian government will continue to analyse and assess developments in this area, although recognising that legislation is only one aspect of the state's response.

In this bill, there is no addition to the preventative detention powers or the special police powers to stop, search and seize that were inserted into the act earlier this year. Only a minor refinement is made to the preventative detention provisions to assist the Supreme Court's deliberations on the place of detention of persons aged under 18 years.

It is important to reiterate that the Victorian government acknowledges the concerns that counter-terrorism laws may infringe upon civil liberties. Our community has a strong respect for individual civil liberties and the traditional doctrines and processes that guarantee those liberties. It is important to recognise the nature of the challenge that terrorism poses. The Victorian government remains committed to ensuring a balanced approach in line with the needs and expectations of the Victorian community.

The bill enhances police powers to detain and decontaminate persons who have been exposed to contamination as the result of a terrorist act. Authorised police officers are empowered to dispose of and destroy a source of contamination and enter land or premises to ensure the safety of persons or to prevent or limit any contamination. These powers can be exercised with the assistance of such other persons that the officer considers reasonably necessary to undertake that task. A safeguard is provided for entry onto residential premises. The police must usually obtain consent but may enter residential premises without consent of the occupier if immediate entry is necessary to protect the safety of others.

The existing police powers to issue directions to persons in an area affected by a terrorist act to not enter or leave premises or to direct persons to submit to decontamination procedures will be supported by offence provisions. Persons who disrupt the important function of police officers by failing to comply with a direction or hindering, obstructing or delaying a police member exercising his powers will be guilty of an offence.

To balance these new powers with the need to safeguard the rights of Victorians, the bill also provides a new section that requires a member of the police force to facilitate any reasonable request for medical treatment made by a person detained under the detention and decontamination powers.

The bill clarifies and simplifies the reporting requirements about the theft or loss of prescribed chemicals or other substances. The amendments clarify that the duty of occupiers of premises where these substances are stored is to report unexplained losses of these substances.

Important changes are also made to the provisions that require the operators of essential services infrastructure to plan for the protection of those services from the effect of terrorist acts. An amendment to the requirement to provide risk management plans and participate in training exercises specifies that the plans and exercises must comply with a prescribed standard. This ensures that the arrangements to protect critical infrastructure are in accordance with recognised standards and practices. The relevant minister's power to issue directions to essential service providers to prepare a risk management plan or participate in training exercises is supported by offence provisions. The failure to comply with the minister's direction is an offence subject to significant penalties. An amendment is also made to remove the requirement that a declaration to apply part 6 of the act (that includes requirements for management plans and to participate in training exercises) to operators of essential services, including any infrastructure, need not be published

in the *Government Gazette*. The public identification of assets that are critical to the delivery of essential services is not prudent in our current security environment.

The bill also amends a number of other Victorian acts to ensure a consistent approach across Victorian legislation to the disclosure of security sensitive documents.

The bill amends the Public Records Act to deal with security sensitive documents held by the Public Records Office. This has not been done previously, and the government views that it is now timely to do so. There is a real concern that the state's own documents may be used against the Victorian community and its infrastructure in a manner not contemplated at the time the Public Records Act was enacted and for which there is, unfortunately, no current process.

A new provision will allow records to be withheld beyond the 30-year period currently provided under the act if they fall within the classification of documents described in section 29A of the Freedom of Information Act 1982. This classification includes documents related to:

the security of the commonwealth or any state or territory; or

the defence of the commonwealth; or

the international relations of the commonwealth; or

endangering the security of premises, including land, building, places and vehicles.

The minister responsible for the Public Records Act, or the Keeper of Public Records, may declare by notice in the *Government Gazette* that a specified record or class of records is not available for public inspection beyond the 30-year period currently provided under the act. Of course, the minister, or a later minister, may repeal or amend such a declaration at any time in accordance with the Interpretation of Legislation Act 1984. As a further safeguard, the minister may only exercise this power after consulting with the minister responsible for the administration of the public office from which the record was originally transferred.

The government is aware of the needs of researchers and other legitimate users of Victorian public records. Accordingly, the new section also provides a power for the minister or the keeper to permit access to withheld documents on any condition or restriction. For example, a researcher may be given access in these circumstances on condition that they do not publish or pass on the relevant sensitive document. Here it is appropriate that an offence is prescribed for any breach of a condition or restriction. This mechanism again reflects the government's very real concern to achieve a balanced approach, and protect the legitimate interests of Victorians in having access to the state's records.

The bill also amends the Freedom of Information Act 1982 to clarify a number of technical and interpretative matters. Firstly, the definition of document in that act has been amended to ensure that the definition includes copies, reproductions or duplicates of a document and any part of a copy, reproduction or duplicate.

A technical amendment to section 25 of that act clarifies that the deletion of material from a document that would be reasonably regarded as not relevant to the subject matter of a request. This amendment simply reflects the current legal

understanding of that act. An interpretative provision, clause 19 of the bill, will make clear that a document can be the subject of more than one exemption under the Freedom of Information Act at any one point of time. Again, this provision clearly establishes what is the well-understood operation of the law in Victoria.

The amendments to section 29A of the Freedom of Information Act will extend the operation of this exemption provision to include documents created by the counter-terrorism coordination and emergency management department of the Victorian police force. This provision will be retrospective in operation, however, I believe that honourable members will share the government's view that it is simply not appropriate, or indeed wise, that such material should be accessible under the state's freedom of information processes. Additionally, the bill makes clear that documents that are risk management plans of declared essential services under the Terrorism (Community Protection) Act or documents of a training exercise for declared essential services under the Terrorism (Community Protection) Act are also exempt documents for Freedom of Information Act purposes.

A further change (which is also reflected in the proposed amendments to the Public Records Act), is that exempt documents, as set out in section 29A, now expressly includes those documents whose disclosure could endanger the security of premises including land, building, places and vehicles. This change is consistent with the freedom of information legislation in New South Wales and public records legislation in Queensland and is intended to clarify the situation in relation to documents that relate to important state sites and buildings.

The limitations on the disclosure of security sensitive documents under the Public Records Act 1973 and the Freedom of Information Act 1982 are supplemented by a new offence provision in the Terrorism (Community Protection) Act 2003 related to disclosures that facilitate a terrorist act. That provision specifies that persons who possess or control information or documentation and who intentionally provide information or documents with the intention of facilitating or facilitating a terrorist act commit an offence. Given the very serious potential implications of such actions it is appropriate that there is a significant penalty for persons who offer this sort of assistance to persons planning terrorist acts. As we are aware the furnishing of information or documentation to terrorists is a tangible form of assistance that may have an impact on the potential lethality or seriousness of a terrorist act. Importantly, the section expressly prevents a person from being punished for this offence if they have been punished for a similar offence under the criminal code of the commonwealth dealing with terrorism.

This bill forms part of the state and national response to the threat posed by terrorism to the Australian community. As stated previously, these laws are just one of a number of nationwide initiatives including engagement with various communities to eliminate the causes of terrorist activity.

I commend the bill to the house.

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

Debate adjourned until next day.

STATUTE LAW (FURTHER REVISION) BILL

Second reading

Ordered that second-reading speech be incorporated for Mr LENDERS (Minister for Finance) on motion of Ms Broad.

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill before the house, the Statute Law (Further Revision) Bill 2006, is a regular review arrangement for statute law in this state. This bill is vital to the orderly management of the state and its laws so that the laws remain clear, relevant and accord with the needs of the Victorian community.

The bill performs two important tasks.

First, it corrects a number of ambiguities, minor omissions and typographical errors found in acts to ensure that the meaning of acts is clear and reflects the intention of the Parliament.

Second, it repeals redundant acts. Members will note that the bill repeals a number of acts that Chief Parliamentary Counsel has identified as being redundant.

The majority of these redundant acts are amending acts or amending acts that contain transitional or substantive provisions. The amendments or repeals made by the acts are wholly in operation and have amended or repealed the provisions of acts they were enacted to amend or repeal. The transitional provisions are no longer required because of the passage of time and subsequent enactments since the acts were enacted. The substantive provisions are no longer required because they have taken effect or are spent. Any residual effect of the transitional and substantive provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The redundant acts consist of a number of spent appropriation acts and other redundant principal acts, including the Inscribed Stock Judgments Act 1900, Stock and Debentures Registers Act 1905, Commonwealth and States Financial Agreement Act 1934, Commonwealth and States Financial Agreement Act 1944 and Horse Breeding (Repeal) Act 1975, all of which have no further function and should be repealed from the statute book to ensure that the statute book is updated and relevant to the Victorian community.

The bill is non-contentious and should be seen as part of the orderly housekeeping arrangements of the Victorian Parliament.

I commend the bill to the house.

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

Debate adjourned until later this day.

MELBOURNE SAILORS' HOME (REPEAL) BILL

Second reading

Debate resumed from 4 May; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. ANDREA COOTE (Monash) — I have pleasure in speaking on the Melbourne Sailors' Home (Repeal) Bill. Although it is only a small bill, it is important nonetheless because it recognises some aspects of our history that are important to acknowledge and talks about some of the future directions of assistance within this state.

The purpose of this bill is to repeal the Melbourne Sailors' Home Act 1986 and close the Sailors Welfare Fund, which was established under that act in 1986 as a way of directing the state's share of the proceeds of the 1964 sale of the Melbourne Sailors Home. For members who do not know anything about the Melbourne Sailors Home, it occupied a very grand building in Spencer Street. When sailors no longer needed to have such an enormously expensive establishment in Melbourne, with its high cost of upkeep, it was sold and the proceeds of its sale went into areas where they would help sailors in the future.

The Sailors Welfare Fund allowed the minister to make payments to promote the welfare of sailors and people working in the Victorian fishing or maritime industries. Only three payments were made from this fund — between 1989 and 1991 — and there is a residual amount of \$350 000. It is now proposed that this fund be closed and that residual amount be spent in a way that is consistent with the purpose of the fund. I am pleased to see such consistency. When funds are set up in good faith and times change it is important to remember the fundamental purposes of those funds and reflect those purposes as closely as possible into the future.

It is proposed that these funds be used to assist with the distribution of food to Victorians in need through the combined organisation known as VicRelief + Foodbank, to expand the capabilities of volunteer lifesaving, to support sea search and rescue operations, to promote the welfare of seafarers and maritime personnel and to assist in the development of the Southern Cross Chaplaincy. The majority of this \$350 000 — that is, \$165 000 — will be applied to VicRelief + Foodbank, which is the successor organisation to the Victorian Relief Committee and also Foodbank Victoria.

I cannot let a bill like this go past without mentioning Vic Relief and the huge contribution Dame Phyllis Frost made to that organisation. When Dame Phyllis Frost died, the *Age* of 31 October 2004 said she:

... was well known for her commitment to unpopular causes, most notably helping women prisoners ...

Dame Phyllis Frost was an extraordinary woman. She was a physiotherapist by career and the chairman or primary patron of 47 different charitable committees throughout Victoria. She was particularly supportive of women in prison and concerned with their diets, helping them to keep their babies whilst serving their sentences, and she was moved to do this after witnessing poor jail conditions, including infestation by rats and food served on tin plates, whilst she was visiting a friend.

She became an honorary life counsellor to the Victorian Women's Prison Council, and in 2000 the Victorian government — the current government — recognised her achievements in assisting women prisoners by renaming the Deer Park Metropolitan Women's Correctional Centre as the Dame Phyllis Frost Centre. That was very apt and a commendable initiative by the government.

Other things Dame Phyllis Frost was involved in included starting the Keep Australia Beautiful campaign and a number of other things. She had a basic philosophy, which was to love thy neighbour and treat others as you would like to be treated. That philosophy and a belief that it is only in helping others that the human spirit can achieve happiness and rest underpinned all her work.

Dame Phyllis Frost was a member of the Victorian Relief Committee for a considerable time and indeed helped set it up. It was the largest independent emergency relief resource centre and was created in 1930 by the Victorian government in direct response to the economic hardship caused by the Great Depression. It was originally called the State Relief Committee, and its aim was to help people in distress through a thorough, efficient and economical way of collecting and distributing clothing and other domestic commodities.

It is important to understand that there is a need for this. Dame Phyllis recognised a need in our community, that we had to have something that was operable. The work that she put into this fund is commendable. It is timely to remember Dame Phyllis Frost. When I was looking for information about her I came across a couple of lovely quotes, one of which I will read into *Hansard* because it is so good. At the time of her death John

Hamilton wrote in the *Herald Sun* of 1 November 2004:

If I was St Peter this morning, I'd open the Pearly Gates quickly and get out of the way before being swept aside by the figure waiting impatiently outside.

For Dame Phyllis Frost, a staunch Christian, has undoubtedly arrived in heaven.

What I would like to remember about Dame Phyllis today is not only that force which John Hamilton 'but that, as those of us who knew her realise, she would be particularly concerned about this bill. She would be particularly concerned that something she had set up was being subsumed and amalgamated with something else and would lose a lot of its identity.

The government must have also been concerned about Dame Phyllis Frost's reaction to the bill because it waited until she died before it brought it in. Dame Phyllis Frost was a formidable character and those of us who knew her well never readily escaped anything she asked for or anything she requested; it was at your peril that you did something she would not have been very happy about. She would not have been very happy about today's bill.

We have to move on. I think it is important to recognise not only the times but also the work she did all those years ago. That has been recognised and acknowledged; indeed this bill provides the opportunity to build upon that goodwill and work.

I make just a brief note about the Foodbank organisation, which is also very interesting. These two organisations, as I said, are merging, so it is salutary to have a look at Foodbank Victoria. It encourages manufacturers in the food, beverages and grocery industries to donate their products to those in need. It has helped to feed over 20 000 people each day, which amounts to over 7 million meals per year.

It receives food donations from over 500 food and grocery companies. Last year it distributed over 5 million kilos of food. It is the pantry for over 1500 accredited welfare agencies around Australia. It is operated by fewer than 25 paid employees and an army of volunteers. It is that army of volunteers that I wish to praise and recognise today, because without their work we would not be able to administer and distribute the enormous amount of food and beverages that manufacturers give to very worthwhile charities and organisations.

Some concern about this bill's introduction was reflected by Peter Mickelborough in the *Herald Sun* of 3 June 2005. He said the Victorian Relief Committee

was the only relief committee in Australia that was protected by an act of Parliament. So today we see something being changed; we are seeing the end of an era. He said that until recently the Victorian relief fund enjoyed the direct patronage of premiers via the Department of Premier and Cabinet. I would suggest that it enjoyed that protection from premiers because the premiers were probably too terrified of Dame Phyllis Frost to do anything else. It was that type of work that she enmeshed herself in to make certain that things happened for the best interests of the community, which is very important to note.

This venture is going to be worthwhile. It will be a recognition of the history of this state and will be a way forward. I can remember the opening of the Foodbank Victoria operation in Geelong. I went there with the then Minister for Community Services, the late Michael John, to see and talk to people who were involved at that Foodbank, which was set up like a shop so that the people who needed supplies — essential needs, in some instances, such as toiletries and items that were necessary in running a family — would go into the Foodbank supermarket and use a shopping trolley just like you would find in a normal supermarket. The products were set up on the shelves and people were able to choose what their family needed that week. It gave self-respect and self-esteem to people who felt they were not just accepting charity because they felt part of the community and that they were doing their shopping just as other people who went to a supermarket would do.

The essence of this bill and the essence of what VicRelief + Foodbank is going to do is hopefully not only give people in need only essential goods but also encourage manufacturers and distributors of goods to engage with the public in a very productive way and provide the recipients with an opportunity to have self-esteem, self-confidence and the knowledge that they too can look after the needs of their families.

So it is farewell to something that was started at the Melbourne Sailors Home by our forefathers and foremothers, who looked at how they could make life better for generations of people in this state. The combination of VicRelief + Foodbank should do well. I wish this new organisation the very best and hope it has many successful years ahead of it. I hope it will be a bipartisan organisation into the future and that the present Premier and future premiers will continue to support it in the spirit that Dame Phyllis Frost would have approved of.

Hon. D. K. DRUM (North Western) — As the previous speaker has so well encapsulated, this very

small bill repeals the Melbourne Sailors' Home Act 1986. The Melbourne Sailors Home dates back to 27 April 1868 when it was thought that seafarers and maritime workers needed cheap accommodation. It settled on some land at the corner of Spencer and Little Collins streets until some time later when it was thought best to sell the land and move to a place in South Melbourne. The new dwelling in South Melbourne provided accommodation of some 50 rooms at a modest price for those working in the maritime industry.

As time progressed, the expectations and living standards of those working in the merchant marine and shipping industry increased, and once that happened the need for cheap accommodation declined. Therefore in 1964 the sailors home was sold. In 1986 the Sailors Welfare Fund was established with the proceeds of this sale and it was envisaged that out of that fund small grants could be made to some of the people in the seafaring industry should they have the need for an additional support. As it has turned out, since 1986 only three grants or payments have been made from that fund, so we have the situation where about \$350 000 has been sitting in the Sailors Welfare Fund for quite some years now with no further payments from it. The Melbourne Sailors' Home (Repeal) Bill is good, commonsense legislation whereby the government identifies five worthwhile charities through which the money is to be distributed for the betterment of the general community.

Mrs Coote has mentioned the great work done by the VicRelief and Foodbank organisations, which recently merged and which will receive the majority of these funds — that is, in the vicinity of \$165 000 — which will be very welcome. Some concerns were raised in my office recently that the hardworking volunteers at Foodbank have found themselves out of pocket from paying travelling expenses involved in picking up produce that has been made available to them by suppliers. I call on the government to keep a close eye on that, because we are all very proud of our volunteers in this state and are honoured by the work they do to look after those less fortunate, and we do not expect our volunteers to be out of pocket from their voluntary endeavours. If they are prepared to give up their time I think we should be well and truly happy about that and treat them with respect. We should not be turning a blind eye to the fact that our volunteers are out of pocket through the work they are doing.

Victorian volunteer lifesavers will also be recipients. We expect that Life Saving Victoria, formed from the recent merging of the Royal Life Saving Society Australia, Victoria branch, and Surf Life Saving

Victoria, will receive in the vicinity of \$60 000. We all understand the brilliant work the organisation does, literally saving many lives each and every summer.

The Australian Volunteer Coastguard (Victoria Squadron) will receive \$60 000 for sea search and rescue through this legislation and the Australian Ports Welfare Foundation, a non-denominational, not-for-profit service organisation promoting equality of life in the workplace of seafarers and other maritime personnel, will also be the recipient of \$55 000. The Southern Cross Chaplaincy at Docklands will receive a \$10 000 grant to establish a centre to better assist the organisations it works with so that they can improve their work.

Members of the Nationals would much rather have this type of redundant legislation repealed. We would like the government to further explore other hollow logs where funds are just sitting so that moneys can be distributed throughout the community to assist in improving the wellbeing of many people. It is very important that those funds be delivered to charities that are set up to help those less fortunate than ourselves. With these short words, I indicate that we are fully supportive of the bill. We congratulate the government on the way that these funds will be distributed and hope the funds quickly find their way to those less fortunate than us.

Ms ROMANES (Melbourne) — I am also pleased to have the opportunity to speak to the bill before the house this afternoon. It is interesting when you look back to see that the Sailors Welfare Fund, which was set up under the Melbourne Sailors' Home Act 1986 following the sale of the Melbourne Sailors Home, has been activated on only three occasions. The first payment was \$30 000 in May 1989 to the Lakes Entrance Ocean Rescue Cooperative Ltd for the purchase of equipment or a second-hand boat. The second payment was \$10 000 in December 1989 to the Marlo Boat Rescue Club to purchase sea equipment. The final payment was \$44 000 in July 1991 to the Surf Life Saving Association of Australia for technical equipment and two boat motors to assist in maritime rescues. That highlights that those payments totalling \$84 000, the last of which was made in 1991, left a residual of over \$350 000 in the fund.

It is apparent that our dealing with this matter is long overdue. It has come about as a result of a March 2005 Department of Treasury and Finance review of hypothecation arrangements, out of which came recommendations that the government repeal the act and close the fund. That probably reinforces that governments tend to resist the hypothecation of funds

for particular purposes as against dealing with budgets raised out of consolidated revenue. It highlights that hypothecated funds can sometimes be put aside, overlooked or perhaps lost in some senses instead of being put to immediate use for the benefit of the community. What we are dealing with today as a result of a review of hypothecation arrangements is the repeal of the Melbourne Sailors' Home Act 1986, the closure of the Sailors Welfare Fund and the transfer of the residual \$350 000 to consolidated revenue. However, rather than that residual being absorbed into consolidated revenue, and as is very clearly stated in the second-reading speech, there are recommendations for the disbursement of those funds for a range of purposes. The first recommendation is to provide \$165 000 to enable VicRelief + Foodbank to expand the distribution of food and material aid to needy families in rural Victoria who are facing hardship and to improve refrigeration at the Dandenong distribution centre that services this area of high need in that part of the state.

The second recommendation is to provide a grant of \$60 000 to enable Life Saving Victoria to expand volunteer lifesaving by developing the capability of the 12 small member clubs around the bay to recruit club members and develop leadership with programs such as Nippers, who are junior members, lifesaver skill development and youth leadership.

The third recommendation is for a one-off grant of \$60 000 to the Victoria squadron of the Australian Volunteer Coast Guard for equipment to assist in its search and rescue operations. The Victoria squadron is the largest dedicated bay and coastal volunteer marine search and rescue organisation in Victoria. It currently has about 500 volunteers and does some very important work in support of the community. In 2005 it assisted almost 2000 persons in distress and provided important support to the water police.

The fourth recommendation is that there be a grant of \$55 000 for the Australian Ports Welfare Foundation, a non-denominational, not-for-profit service organisation that promotes the quality of life in the workplace of seafarers and all other maritime personnel. The grant will be used for the undertaking of a feasibility study on the implementation of a 24-hour welfare service to provide medical, psychological and pastoral care services to seafarers and other maritime personnel who use the Melbourne port.

Finally, there is a recommendation for a grant of \$10 000 towards a multicultural interfaith spiritual and learning community centre at the Southern Cross Chaplaincy at Docklands. That reflects the strong links between the growing Docklands community and

seafaring. There are many people who have settled and work at Docklands who have an interest in fishing, sailing, living by the sea and enjoying associated activities.

The important thing to be aware of is that all of those proposals are broadly consistent with the original intentions and purposes of the fund. I am assured by my parliamentary colleague Mr Smith, who was a naval officer, that mariners, seafarers and fishers would very much agree with those proposals to assist the groups that do good work in caring for the welfare of seafarers and fishers and organisations like VicRelief + Foodbank, which care for needy families. Mr Smith assures me that there would be widespread agreement among mariners and seafarers that these funds be disbursed and used for these important purposes. With those words, I commend the bill to the house.

Mr SMITH (Chelsea) — I take the opportunity to say a few words on the bill. I have a keen interest in most things maritime, particularly something like the Melbourne Sailors Home.

Hon. D. K. Drum — Have you been there, Bob?

Mr SMITH — I have not stayed overnight — not that I can remember anyway. I know such establishments are important facilities in ports around the world, particularly for sailors who, generally speaking, are not particularly well paid or well-off and who do not have the money needed to get good accommodation in major cities.

I note that the bill will repeal the Melbourne Sailors' Home Act of 1986 and that some \$350 000 that resides in the coffers at the moment will be disbursed. I heartily approve of the process and of the areas to which the money will go. However, I hope we are not jumping the gun. I hope we are not pre-empting things and assuming there will be no need for a sailors home in the future. I am not convinced that will be the case because of the federal government's determination to introduce flags of convenience.

Hon. D. K. Drum — Give it up, Bob.

Mr SMITH — An honourable member suggests I should give it up. We will not give this up. The fact is that under a flags-of-convenience system there will be more poor and lowly paid sailors visiting our major ports than visit today.

In my view they are in genuine need of accommodation in the very same way as the situation that led to the home being set up originally. It makes no sense that we

would remove a facility that has proven to be needed. As I said, I am of the view that it will be *deja vu* all over again and that we will need something like this facility down the track.

I am not disappointed that organisations like Southern Chapels are getting funding or are going to look at ways and means of disbursing these funds, but who better to have money for this sort of thing than the Maritime Union of Australia. That is what it does — it looks after sailors. I know that might be politically unacceptable to comrades opposite, but at the end of the day it makes a bit of sense that the union should be included in the disbursement of the funds and in better looking after mariners.

As my honourable colleague Mr Drum indicated earlier, this is commonsense and sensible legislation in that where significant amounts of money are laying dormant, the situation should be reviewed and the funds disbursed appropriately. For that reason, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so, I thank members for their contributions and their support of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL

Second reading

**Debate resumed from 4 May; motion of
Mr LENDERS (Minister for Finance).**

Hon. G. K. RICH-PHILLIPS (Eumemmerring) —
The Liberal Party will support the Financial Management (Miscellaneous Amendments) Bill now before the house.

The bill makes a number of technical amendments to the Financial Management Act 1994, which is the principal legislation in Victoria for establishing a framework of financial management. It was established under the previous government to replace a number of different pieces of legislation, and it has worked successfully over the last 12 years. The act goes into some detail in establishing the consolidated fund, the public ledger, the public account and the trust fund. It has a section on financial responsibility and a section on budget management. It also puts in place the accountability and reporting framework, which for this Parliament is probably one of the most important aspects of the principal act.

The bill makes a number of relatively minor technical amendments to the Financial Management Act, and those amendments will have the support of the Liberal Party. The key provisions of the bill provide direct authority to the Minister for Finance to give ministerial directions rather than such directions being authorised via regulation. The bill allows for various items of revenue to be accounted for on an accrual basis against expenses rather than being handled on a cash basis. That reflects the move to accrual accounting some seven or eight years ago.

It makes changes to the way in which estimates for departmental carryovers are handled. Rather than requiring an estimate to be presented before the end of the financial year is finalised, it allows for that estimate to be reported upon in the next financial year. It makes some very minor changes to the way in which the budget papers are presented, which is particularly pertinent today. It allows them to be presented on the day in which the second reading of the Appropriation Bill is introduced. It makes some minor changes to the provisions under which a minister can grant leases over Crown land.

These six or seven amendments to the principal act are minor and technical in nature, and they have the support of the Liberal Party. But I would like to pick up on some of the things that are covered in the minister's second-reading speech because the minister, in this case the Treasurer in the other place, has waxed lyrical about this piece of legislation. He has waxed lyrical about the commitment of this government to transparency in the reporting framework. In the second-reading speech he says:

The bill reflects the government's interest in ensuring that legislation relating to public finances is current, effective and internally consistent.

He concludes:

The proposed amendments will support sound governance and are in line with the government's commitment to responsible financial management.

I have to say that despite these fine words from the Treasurer and despite the existence of the Financial Management Act, we increasingly see this government attempting to confuse, mislead and deceive this Parliament about the true financial state of the Victorian government. As a member of the Public Accounts and Estimates Committee I see it regularly in the evidence that is given before that committee by ministers and government officers, who make no attempt, despite the Treasurer's claim, to maintain openness and accountability. In fact the evidence presented to that committee is presented in quite the opposite way. It is a commitment by the government to confuse and to mislead. It is regrettable that the second-reading speech is nothing but hollow rhetoric.

Looking at the budget papers today, the bill before the house should be about a pristine reporting regime, yet I see in budget paper 3 that three pages of errata sheets were inserted before the papers were presented to the house today. If the departments identified three pages of errors, how many other errors are yet to be identified? This has happened consistently with information the government has presented to this Parliament.

Hon. W. R. Baxter — There are things stuck in by hand, too, that did not even make the errata list.

Hon. G. K. RICH-PHILLIPS — Mr Baxter tells me that further corrections were made to the budget papers between their printing and tabling today that did not even make an errata list. That is just sloppy, and that is not what this Parliament and not what the people of Victoria expect from the Department of Treasury and Finance. We have a piece of legislation in the Financial Management Act which puts in place a framework, and we would expect that the government and Treasury would provide information to this Parliament and to the people of Victoria in a manner that is accurate, complete and transparent.

The Public Accounts and Estimates Committee brings down two major reports every year: one is the report on budget estimates and the other is the report on budget outcomes. I will refer briefly to the report on budget outcomes because regrettably, again, the rhetoric of the government does not live up to the observations of the Public Accounts and Estimates Committee.

I place on record that the report of the 2004–05 budget outcomes was adopted unanimously by the committee — a committee that has a majority of government members, including the member for Pascoe Vale in the other place, Christine Campbell — a former minister in this government — as chair. It is a committee that has consistently highlighted shortcomings in the reporting framework of this government. I have to say that the nature of the findings of this committee have been consistent over a number of years and, regrettably, have been largely ignored by the Treasurer and by the Treasury over the last several years.

One of the key complaints that this committee has made has been the failure to adequately report on performance measures and output targets. Every year — I note that the budget papers this year are no different — we see a change on a departmental basis of the output measures that are included in the budget, the effect of which is to limit comparability from year to year. We see major shortfalls in the published targets reported in departmental and agency annual reports without any explanation as to why there are shortfalls in the achievements against those targets. These are themes that have been consistently picked up by the Public Accounts and Estimates Committee over the last three or four years and, I have to say, with increasing vigour, notwithstanding the fact that this is a committee that has a government majority, because even the government members on that committee are becoming increasingly frustrated at the way in which the government and Treasury fail to provide accurate and complete information to this Parliament. I could cite recommendation after recommendation where the Treasury and the government are failing in the requirement to be accountable to this Parliament.

The committee made a number of recommendations that the Minister for Finance could act upon in terms of ministerial directions, and I note that what started out in the initial government response to these recommendations as acceptance in principle soon became rejections. We see that year after year nothing changes, and again the public accounts committee has seen fit to comment upon, by way of the report on budget outcomes for 2004–05, the continued failure of the government to adopt some of these reporting measures that the committee has recommended.

I therefore wholeheartedly recommend to members of this chamber the report of the Public Accounts and Estimates Committee on budget outcomes. I do not intend at this point to go through those recommendations in further detail, but I highlight that while we have the rhetoric from the Treasurer in his

second-reading speech that the government is about transparency and accountability, it is very clear from the work that the public accounts committee has done that that is not the case and that a lot of work can be done by this Treasurer and this government to ensure that the people of Victoria are fully informed.

Hon. W. R. BAXTER (North Eastern) — The Honourable Gordon Rich-Phillips has certainly drawn attention to the highfalutin rhetoric which attends this bill and which is entirely unjustified. What the second-reading speech should have been doing was giving some credit to the Kennett government for introducing the Financial Management Act in the first place, because that act went a long way towards regularising the way the accounts of the state of Victoria are maintained and certainly went a long way towards ensuring that openness and transparency in the way the accounts are maintained is paramount.

In a sense this bill is simply building on that as a matter of housekeeping, largely consequent upon the introduction of accrual accounting, which again was an initiative of the Kennett government. We are forever in debt for that to the Treasurer and finance minister of the day, Messrs Stockdale and Hallam, with the support of the Premier and cabinet, because accrual accounting is clearly a much more accurate way of keeping the books and a much more illustrative way of indicating to the public of Victoria — the electors and taxpayers — what the true position of the government's books is.

Certainly it makes it much more difficult for dishonest governments — and we have had a few of those over the time, as we well know — to hide what the true facts are. One has only to think back to the Cain and Kirner governments to know how the facts were kept from the people at the time. Therefore in that sense this bill is quite welcome in that it is building on the good work that was done by the previous government — for example, it changes some of the terminology in the act to bring it into line with and make it more appropriate to accrual accounting. The words 'money received' are substituted by 'revenue receivable', which clearly is a more appropriate term for deployment in accrual accounting.

That famous section 29 of the Financial Management Act which refers to annotated receipts — that is, amounts received by departments from the sale of goods or the provision of services which they are able to retain under that section and are deemed to be a budget appropriation — has been completely rewritten, and that has become necessary, too, because of the introduction of accrual accounting. It is to stop departments engaging in some financial shenanigans by

including the sale, for example, of a property on terms over 10 years, including the whole of that sale price in the first year of the contract, which would clearly not be an accurate way of reporting what actually happened and as well as that would lead to an additional sum of money needing to be found by the Treasurer for the department's activities that year, so I think it is quite right that section 29 was rewritten. There was nothing wrong with section 29 in the original act, but with the introduction of accrual accounting it could have been used in a manner that was not intended and that amendment is therefore supported.

Section 32 of the principal act goes to the issue of unused appropriations. In the past a determination as to quantum had to be made prior to the end of the year, and clearly that was very difficult to do and on some occasions led to some wasteful expenditure by departments as the end of the financial year approached. The amendments this bill encompasses are welcome in that regard as well.

Mr Rich-Phillips mentioned parliamentary tabling. I understand that was at the suggestion of the clerks. It seems a commonsense amendment and basically reflects what we have been doing anyway.

A further section in the bill is, I suppose, an add-on but quite a useful add-on. It goes to the issue of the leasing of Crown land. It seems that some smart operator has questioned the minister's authority to lease buildings on public land. There is no problem with that bit, but the question is: did the minister have the authority to lease the Crown land which gave access to those buildings? Clearly that was the original intent, and I am pleased it has been made absolutely clear in the bill. It is important because there are cases where publicly owned buildings are leased out to private operators or community groups, and we need that to be absolutely clear.

Mr Rich-Phillips hit the nail on the head when he pointed to the fact that the government claims openness and transparency in its accounting but does not actually practise it. I have not calculated how many pages are in today's budget, but really and truly it is very difficult for members of Parliament to work out what it all means — and it is impossible for the person in the street to work out what it all means. Sometimes I yearn for the simpler days when Sir Rupert Hamer was Premier of this state. When the budget came in it was very easy to run down the list and find out which new schools were going to be built, which hospitals were being upgraded and where the money was being spent. I defy anyone to find it in today's document other than in the spin document called *Victorian Budget*

Overview — Meeting the Challenges, which lists the major capital expenditure in a regional context. The rest is very difficult indeed.

Hon. B. N. Atkinson — They will be in the press releases.

Hon. W. R. BAXTER — They will be in the press releases, but the press releases on past — —

Hon. B. N. Atkinson — No accountability to the Parliament, only the spin.

Hon. W. R. BAXTER — That is right, Mr Atkinson, and spin is the operative word when it comes to press releases. Those press releases will not be very illuminating to the public. They will put on the spin. We have seen that in the last three weeks as announcements have been made progressively and the budget has been leaked, However, it is impossible for anyone to find a composite, reliable list of expenditure, because it is just not there. I think that is very much a shortcoming of the budget documents.

Mr Rich-Phillips referred to the Public Accounts and Estimates Committee's report on the 2004–05 budget outcomes. Like him I commend pages 37 and 38 to the house, because they put paid to the government's claims that it is open and accountable. As we know, the Public Accounts and Estimates Committee is an all-party committee and this report was unanimously adopted. Among other things, the committee concluded that much of the government documentation lacked transparency and accountability to the Victorian Parliament. The report states:

The major issues involved the lack of parliamentary scrutiny over budget supplementation, failure to develop performance information pertaining to government performance, not providing Parliament with details of moneys provided to departments from the Treasurer's advance —

I remind the house that the Treasurer's advance now issues hundreds of millions of dollars each year; it is not the emergency fund it was 25 years ago, when it might have been there in reserve and was a very small amount of money —

and the capability of computer systems across the public sector to produce performance information.

We hear so much in this house from the Minister for Information and Communication Technology about how good the government is in information technology, but it is not practising what it preaches. The committee went on to say in its review of the annual reports of departments and agencies:

During the course of the budget outcomes inquiry, the committee continued the practice of conducting a review of the annual reports of all departments as well as a selected number of agencies. The main focus of the review was on performance reporting and compliance with the disclosure requirements under the Financial Management Act 1994. Agencies' performance reporting is a crucial element of accountability by the executive government because it allows the stakeholders to judge achievement of outcomes and also value for money in the delivery of services.

Generally, the committee has found only very limited improvement in the reporting of performance by agencies over the last few years. Although there are pockets of good reporting, the progress across the public sector has been slow despite concerns raised by the committee and the Auditor-General in a number of recent reports to the Parliament.

I think that is an indictment of the government. It keeps telling us how good it is about openness and transparency, but the committee found that is not necessarily so. The committee went on to say:

Given the inadequacies found in a majority of the agencies' performance reports, the committee has concluded that, at present, it would be quite difficult for the stakeholders to actually carry out a proper assessment of how the outputs and initiatives have contributed to the achievement of the corporate objectives and government outcomes. It has been the committee's view for some time that the annual report is often seen by some agencies as merely a 'compliance' and 'public relations' document (with the emphasis on 'good news') rather than an instrument of accountability. This view has again been reaffirmed following an examination of the 2004–05 reports.

Again that is a pretty sad indictment of the government. Apparently it is not taking any notice of the Public Accounts and Estimates Committee's recommendations, because the committee has made these comments several times and still finds deficiencies.

It is all very well for us to get a second-reading speech, but I notice that it was well described by the shadow Treasurer in the other place as a cut-and-paste speech. The government takes various paragraphs off the shelf and puts them together. What is in the speech bears very little resemblance to what is in this bill. The speech simply tries to paint this government as some marvellous financial manager that is up there, open and upfront, telling the people what is in the bill. We know from experience that is not the case at all, as the Public Accounts and Estimates Committee has found out yet again. While this bill is a small step towards improving matters, the government needs to lift its game.

Mr PULLEN (Higinbotham) — Mr Rich-Phillips spoke on the bill for about 1 minute and Mr Baxter spoke for about 2 minutes. I will now speak on the bill. I remind Mr Rich-Phillips that what he read out was in

relation only to the second-reading speech, which says that this bill reflects the government's interest in ensuring that legislation relating to public finances is current, effective and internally consistent, that the amendments are technical in nature and do not represent a change in policy. Obviously members of the Liberal Party got together on this bill, because the member for Box Hill in the other place, Mr Clark, said pretty much the same thing as Mr Rich-Phillips. Mr Clark has been elbowed aside by the new Leader of the Opposition on the opposition's response to the budget. Mr Baillieu will give the opposition's response. I can understand why Mr Baillieu would elbow aside the member for Box Hill, whose contribution on this bill was quite clearly just a nitpicking exercise.

At the moment the Liberal Party is excited because it has a new leader, and some of the people on the other side of the house have blood on their hands because of the way they dealt with the former Leader of the Opposition in the other place. I am not going to go into that, but I know it is a fact. I remind members of the words of the great P. J. Keating when he said of John Hewson, 'I will do you slowly'. I say now that the Labor Party in this state will do the Leader of the Opposition very quickly if he is going to go on with this sort of nonsense.

We can understand why the member for Box Hill was elbowed aside. If members want to have a good look at a debate on this — and I will not go over it — I suggest they read the contributions of the member for Burwood in the other place and the other Labor members. The Leader of The Nationals — if that is what they are still called — made quite a good contribution to debate on the bill. Mr Baxter's contribution was not quite as good, but at least it was an improvement on the performance by Mr Rich-Phillips, but we do not know how much longer The Nationals will be called The Nationals. They could become the New Liberals or whatever else they call themselves.

I feel they could jump across as they have a record of getting into bed with other people — for example, in South Australia — but I warn them: do not get into bed with that mob over there because it would be an absolute disaster for The Nationals. I have a little bit of time for The Nationals, as I have said in this place before.

This bill has been looked at by all the departments and also by the Auditor-General, who advised that he does not have any concerns about the amendments. Recently in this place we have heard a lot of stories about the Auditor-General. Members opposite wanted to nobble the Auditor-General — they wanted to get rid of

him — and we would not have been able to have a new Auditor-General appointed because there would not have been one to be replaced! A private company would have been appointed.

This small bill of some eight pages contains seven amendments; their purpose is to update the Financial Management Act, which, as Mr Baxter said, was introduced by the Kennett government. It also clarifies the powers of the Minister for Finance to grant leases and licences over Crown land and premises and updates the regulation and direction-making powers under the Financial Management Act.

Section 29 of the act currently does not reflect the move from cash to accrual accounting principles. The proposed new section will correct this and align the section with the current practice.

I did not intend to go through those sections, but if anyone ever reads in *Hansard* the contributions by members of the Liberals and The Nationals, they would not know what the bill is about. That is why I am going through what the amendments are all about.

The bill repeals section 32(2) of the principal act, thereby removing the requirement to make a determination of unused appropriation before the end of the financial year to which it relates. This is no longer practical due to the introduction of accrual rather than cash accounting and is out of step with the financial year accounting and reporting processes.

Clause 8 of the bill substitutes section 42 of the principal act to remove a conflict with parliamentary tabling requirements. The current wording requires the annual budget estimates to be tabled when the appropriation bills are before the house. Proposed new section 42 will require that they are tabled on the day on which the second readings of the annual appropriation bills for that year are moved; or in the case of the Legislative Council, if the Council is not sitting, on the next sitting day.

Clause 9 substitutes section 54P of the principal act to clarify the minister's authority in relation to licensing and leasing of surplus Crown land and buildings.

Clause 10 substitutes new paragraphs in section 59(1) of the principal act, the regulation-making power, to reflect contemporary financial management practice and the move from a cash environment to an accrual environment.

As I said, it is only a very small bill, so I do not intend to speak on it any longer. I have stated exactly what the bill covers. It is a sensible bill, it updates the 1994 act,

and it continues the openness of the Bracks government. I wish the bill a speedy passage.

Hon. B. N. ATKINSON (Koonung) — It is no wonder Mr Pullen took the opportunity to return to the technical matters of the bill, because the substantive argument about the mismatch of the government's rhetoric to fact that was put by the two speakers prior to Mr Pullen is simply unassailable. Indeed there is more soft-shoe shuffling by government ministers in this place when it comes to accountability than you would ever find at the Tivoli Theatre or the Princess Theatre across the road.

The reality is that this government, through its ministers, consistently avoids accountability. Its annual reports are a charade, as has been pointed out by Mr Baxter. The annual reports are simply an opportunity to convey not just good news but to frame photos of ministers in absurd circumstances for their own self-aggrandisement and for the boasting of this government. The reality is that when it comes to reporting and the opportunity for the community to assess the performance of this government and its departments and agencies, it is totally unaccountable.

In just the past three weeks I have approached the Minister for Sport and Recreation, who is sitting fiddling with his phone — text-messaging Shane Warne, perhaps, although the minister is not blonde! Three weeks ago I asked the minister for the totals of the range of grants provided in the sport and recreation field. It is not just me who has asked for that information from Minister Madden, the parliamentary library has also asked for it.

The reality is that the minister will not provide even historic information on the level of those grants. I would have thought it was fairly basic public information that the minister would have had in his top drawer.

Hon. J. M. Madden — On a point of order, Acting President, if the member is going to make accusations like that, I ask that he give correct details. I also ask you to make sure he does not mislead Parliament by making false accusations.

The ACTING PRESIDENT
(**Hon. J. G. Hilton**) — Order! I am happy to rule on that: that is not a point of order. The member is debating the bill. I ask him to proceed.

Hon. B. N. ATKINSON — I think the minister is a dill for making such a comment, because the reality is that I have approached his office, as has the parliamentary library, and in both cases the minister has

refused to provide basic accounting information. His department also refuses to provide it.

Hon. J. M. Madden — You are just showing how little work you have done in seven years. You have not kept one press release in seven years.

Hon. B. N. ATKINSON — The truth is I have kept every press release the minister has issued. When you add up the amounts of money — —

Hon. J. M. Madden interjected.

Hon. B. N. ATKINSON — The minister would be better in the outer at Carlton. The only problem is the Optus Oval has shut, but perhaps it is still the best place for this minister. The fact is that I have kept every one of his press releases.

Hon. J. M. Madden — Then you would know what the details are. Do a tally, do some work.

Hon. B. N. ATKINSON — Let us come to the substance of the matter the minister raises by way of interjection — that is, the accountability of the government should be assessed by press releases. That is what he has just said. He said the public's opportunity to find out what this government's financial responsibilities and outcomes are is delivered through press releases. That is the very point of this bill today. That is what this is all about.

Hon. J. M. Madden — You have had four different opposition spokespeople on sport, and not one of them has kept a file on the things that we have done.

Hon. B. N. ATKINSON — The minister rabbits on and squawks like Karak. He is not the mascot for the Commonwealth Games. He is a minister of this government, and he ought to be accountable to the people of Victoria for the money he spends and the budget he has.

Hon. J. M. Madden — You want to keep a tally of it.

The ACTING PRESIDENT
(**Hon. J. G. Hilton**) — Order! Interjections across the chamber are disorderly. Mr Atkinson should address his remarks through the Chair and the minister should stop interjecting.

An honourable member interjected.

Hon. B. N. ATKINSON — We keep a tally, and the press releases do not add up. None of them adds up with the budget. The press releases are a matter of spin.

Hon. J. M. Madden — Go to the DVC reports, every year.

Hon. B. N. ATKINSON — We read the annual reports.

Honourable members interjecting.

Hon. B. N. ATKINSON — The fact is that this minister is a classic example of this government's unaccountability.

Hon. J. M. Madden — On a point of order, Acting President, a member on the other side of the chamber made a comment. I take offence at it and ask him to withdraw.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! Could you say what the comment is that you are objecting to.

Hon. J. M. Madden — I will not repeat his comment, because I would not do it justice. I ask the member to withdraw his comment, but I do not want him to repeat it. Mr Rich-Phillips has yelled something across the chamber that I find offensive. I ask him to withdraw the comment, but I will not repeat it as I do not want it on record. I do not want it in *Hansard*, because that is the intention of the member across the chamber.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! I did not hear the comment. As I do not know what the comment is, unfortunately I believe I cannot ask the member to withdraw it.

Hon. J. M. Madden — If the comment is reported in *Hansard*, I will ask that it be withdrawn. I will not repeat it, as I do not want to justify the comment. However, if it appears in *Hansard*, I will ask the member to make a formal apology to the chamber.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! The minister can request that the comment be withdrawn when the daily proof is published, which I believe will be tomorrow. We need to wait to see what is in the daily proof, and then the minister will have his opportunity.

Hon. B. N. ATKINSON — This minister is the perfect example of this government's unaccountability. As I said, the government runs out press releases. The minister expects that the public ought to take note of press releases and glossy annual reports as a measurement of the government's performance, rather than having members of Parliament receive accurate

information on exactly what money is expended by the government on particular grant programs.

I have been able to collect all the minister's press releases; he will be happy to know that I read all of them; however, they do not add up. When you add up the amounts of money involved, you see they have been spun in different time frames, reannounced many times and applied to projects from different departments. When you ask one of these departments about spending on particular programs — for instance, the Go for Your Life program — you get one answer, but in another area it is quite a different figure. Indeed, when I looked at the Go for Your Life program over the last couple of days I saw budget estimates that ran from \$8 million a year to \$22 million a year. That is a lot of difference in funding for a single program.

The way the government has talked about the program, it is impossible to determine what the figure is. When you ask the department what the figure is, it will not tell you. It is apparently not allowed to tell you without reference back to the minister's office, and the minister will not tell you because he either does not know, does not care or does not recognise his responsibilities of accountability.

The legislation before us today is all well and good. It is a good piece of legislation in terms of the technical matters it addresses. It represents some improvement on the Financial Management Act 1994, which genuinely brought financial accountability to this state after a period of disastrous financial management. It was amusing to hear the Minister for Finance talk in this place over the last couple of days about how the government had rescued the state from its financial problems. He is presumably relying upon the performance of WorkCover and the Transport Accident Commission, which have had substantial surpluses that have now been plundered by the government to prop up general revenue expenditure. These surpluses that have been generated in both those authorities are because of the policy settings put in place by the former government. The minister has benefited from those policy settings, but he is very quick to boast that he is responsible for the financial improvements to both those authorities.

If you look across the board at other areas for a true comparison with the economic performance of the previous government and, certainly given the context of the previous Cain and Kirner governments, at what this government received as a legacy, you see that it inherited a \$1.5 billion budget surplus in its first term and that, without changing any of the policy settings of the previous government, it realised another \$1.3 billion

in the following financial year. That amounted to its being \$2.8 billion in the black to start with, even before the GST revenue kicked in.

I notice that while members opposite very often complain about the GST, in the words of another great Australian — I dare say a greater Australian than Paul Keating, namely the federal Treasurer, Peter Costello — he has never had a cheque returned or had an offer by any of the states to send the GST money back to Canberra. Whilst they seem to want to have their cake and eat it too, the fact is they are not serious about that particular issue.

When it comes to this legislation, there is no doubt that the accountability framework that was put in place in the 1994 legislation has led to a better administration of this state's finances. But there is a continuing problem. Whilst there are technical matters appropriately addressed in this legislation, the continuing problem is that ministers do not adhere to their responsibilities to be accountable to this Parliament or to the people of Victoria.

Too often the executive holds sway, goes its merry way and simply tries to do its business and inform people by way of the spin of its press releases and its annual reports rather than by details of the financial outcomes. That is not just my view or that of many people around Victoria but is the view of the parliamentary Public Accounts and Estimates Committee, which has conducted in-depth and comprehensive research into this whole area of accountability and the difference between the government's rhetoric and its delivery.

The Minister for Sport and Recreation says, 'You should be very careful about the claims you make about asking for information'. He need go no further than his advisers or department heads to find out about that information. The reality is that the minister ought to be accountable, as indeed the government ought to be accountable for its undertakings and for its performance as far as the public is concerned.

Hon. J. M. Madden interjected.

Hon. B. N. ATKINSON — The minister should go back to Optus Oval. He should enjoy his time on the outer because his shouting will certainly be terrific there. It will be appreciated there, and arguably he will do a better job as a spectator in the outer than he is doing as the Minister for Sport and Recreation in this government.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

**STATUTE LAW (FURTHER REVISION)
BILL**

Second reading

Debate resumed from earlier this day; motion of Mr LENDERS (Minister for Finance).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Statute Law (Further Revision) Bill 2006 I indicate that the opposition will be supporting it. Statute law revision bills, as you would be aware, Mr Acting President, come before the house on fairly regular occasions. They are intended to tidy up the statute book and correct mistakes that have been made in pieces of legislation introduced over the last 12 months, or to correct mistakes or errors that have been found over the past 12 months. This bill corrects ambiguities, omissions and typographical errors that have been found in various acts, and it repeals a whole series of redundant acts and legislation.

It particularly repeals a lot of acts that are consequential or have savings provisions in them or acts that are part of new legislation which includes savings provisions. Once a certain amount of time has elapsed, those savings provisions are no longer relevant or have been exhausted and the legislation can be made redundant. The redundancy part is more about that sort of legislation than it is about cleaning up the statute book with more consequential pieces of legislation. The legislation being made redundant falls into that other category.

I can give the house some examples of picking up ambiguities, minor amendments and typographical errors. For instance, schedule 1 of the bill deals with amendments to acts. The first item that appears is an amendment to the Ambulance Services Act 1986; it amends the phrase 'ambulance attaches' in section 22(2) to 'ambulance service attaches'. Another correction is to section 155 of the Children, Youth and Families Act: 'to' is to be inserted after 'returned', so that the act will read 'returned to'. One can see that these are fairly minor corrections.

In relation to section 101(1) of the Electricity Safety Act 1998, the bill substitutes the words 'section 6' for the words 'section 7', so it is picking up drafting errors. Likewise the bill corrects an error in the Firearms Act. In section 15(2)(a)(ii) a spelling mistake is corrected by the substitution of the words 'a general' for the words

‘a a general’. One of the various amendments I thought was interesting relates to a change of terminology in the Local Government Act 1989. In clause 2(5) of schedule 3 the words ‘polling booth’, which many of us are quite used to now, is replaced by the more politically correct ‘voting centre’. One wonders why we have to bother with that type of thing. There are also amendments to other acts, including the Workers Compensation Act and the Treasury Corporation of Victoria Act.

With regard to amendments to various Treasury bills, it is worth commenting on the issues that arise all the time in respect of Treasury and Finance matters. This government, which is a master of spin, has done it again in bringing down its current budget. I was looking at the Treasurer’s speech, where he talks about how over the next four years he is going to reduce land tax — a pernicious tax on capital and one of the only taxes on capital left, which has grown at an extraordinary rate over the last few years — by the massive amount of \$167 million. What a joke. This government, which has had surpluses in each of the last three years of close to \$3 billion, refuses to do anything about this pernicious land tax except make a reduction over four years of \$167 million. It is absolutely outrageous. It needs to be said that, despite that minor adjustment, people’s land tax bills will continue to escalate at an alarming rate.

Stamp duty will continue to be imposed. That is another pernicious tax on anybody who wants to build or own a new house, particularly first home buyers. We all know the extent to which property and property dealings prop up our economy in many ways. Again the government in this budget, with billions of dollars of surplus sloshing around, has done nothing at all to help with that. For instance, a first home buyer purchasing a \$350 000 home — and you do not get much in this day and age for \$350 000 — will pay \$16 600 in stamp duty on that house. A first home buyer in Queensland would pay only \$3250, and in New South Wales they would pay nothing. That is the sort of reform that this government could have implemented if it had had the guts. It has these huge amounts of money available to it through the massive increases in taxation that it has put in place and the massive increases in taxation that have come from the — —

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! I believe Mr Strong’s contribution would be more appropriate in the budget debate. I draw his attention to the bill we are now debating and ask him to return to that bill.

Hon. C. A. STRONG — Acting President, I am dealing with the bill, because the bill amends various Treasury acts. If we turn to the part of the bill that deals with the repeal of redundant legislation, we find that many of the pieces of legislation that are to be repealed are appropriate to the budget debate. I am quite clearly speaking within the ambit of the bill, because if we look at the sections of the bill, we have — —

Hon. J. H. Eren — Are you arguing with the Chair?

Hon. C. A. STRONG — I am not arguing with the Chair; I am just pointing out, in speaking to the bill, that it deals with amendments to, for instance, the Treasury Corporation of Victoria Act 1992, the Workers Compensation Act 1958 and the Retail Leases (Amendment) Act, all of which have a clear relevance to the income and the budget of this state.

Honourable members interjecting.

Hon. C. A. STRONG — They are all pieces of legislation that are dealt with in this bill, so it is absolutely appropriate, for those caterwauling members opposite — —

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! I do not agree with the points Mr Strong is making about the relationship between his contribution and this bill. This bill is very minor, as he has indicated previously. It merely omits certain subclauses in some of the acts he has mentioned. Mr Strong is making a substantive point in relation to the budget. I do not believe — and this is my ruling — it is appropriate to do that in the context of the debate on this bill. I ask the member for the second time to return to the bill.

Hon. C. A. STRONG — Acting President, quite clearly this piece of legislation deals with such things as the Treasury Corporation of Victoria Act 1992 and it is appropriate to touch on those issues. I will say in conclusion that I have dealt with that particular part of my presentation, but I think the Chair’s ruling is totally wrong. I was totally in order to do so.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! Mr Strong is well aware that he cannot reflect on the Chair in that way. I ask him to withdraw that comment reflecting on the Chair.

Hon. C. A. STRONG — I withdraw that comment, but I refer the Acting President to the bill, which has those incorporations in it.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! Has Mr Strong finished his contribution?

Hon. C. A. STRONG — No, I have not. I will proceed to deal with that part of the bill which deals particularly with the repeal of redundant acts. As I mentioned earlier, a lot of these repeals are consequential and savings provisions which have been exhausted can be easily deleted and certainly have been in most cases on the recommendation of either the Scrutiny of Acts and Regulations Committee or the Chief Parliamentary Counsel.

It is interesting to look at schedule 2 of the bill to see the acts that are being repealed. It is always interesting to look at that schedule because quite clearly you find that there are not many that have up-to-date acts being repealed. You can see how each year acts are repealed as we go through, and as one goes back further in time the number of acts to be repealed is reduced. This bill repeals 113 acts that were passed in 2003, 54 acts that were passed in 2004 and 3 acts that were passed in 2001; and the same process goes back.

What is interesting is if we turn to the commencement of the schedule, the first bill to be repealed was introduced in 1900, the Inscribed Stock Judgments Act 1900. We are now repealing that particular piece of legislation. It is quite an outstanding achievement to think that in 2006 we are repealing the Inscribed Stock Judgments Act of 1900. We are also repealing the Stock and Debentures Registers Act 1905, which once again is a fairly major event — a milestone in this place. This is the type of situation that we have in this bill, going through and repealing many pieces of legislation that are clearly redundant. With those few comments I urge the house to support the bill.

Hon. W. R. BAXTER (North Eastern) — I do not intend to delay the house at all on this bill. Mr Strong has given us a good overview of its contents, which I find highly desirable housekeeping, keeping the statute book up to date and making it less confusing for people who are endeavouring to look up a particular piece of legislation or law. We would be foolish if we did not have this practice in place.

I particularly want to commend the Office of the Chief Parliamentary Counsel Victoria and its staff for the very good work they do in identifying redundant and spent legislation and in drafting these bills for presentation to the house. It must be a very time consuming, difficult, yet entirely boring task, and I think they are to be commended for their — —

Hon. Bill Forwood — Diligence?

Hon. W. R. BAXTER — Diligence! Thank you, Mr Forwood, that is the word I was searching for in this respect. The people of Victoria are well served by the Chief Parliamentary Counsel's office and staff. I believe the bill is in order and ought to be supported.

Ms ROMANES (Melbourne) — I just want to speak to the Statute Law (Further Revision) Bill on behalf of the government. As Mr Baxter has remarked, it is a function that is carried out on a regular basis by parliamentary counsel to review statute law to make sure it is clear, relevant, up to date and easily accessible to those who need to use the body of statute law for legal purposes.

The bill does two things. Firstly, it makes a number of amendments to statute law, correcting ambiguities, minor omissions and typographical errors. Those changes and amendments are set out with the reasons for them in the clause notes attached to the bill. Secondly, it repeals redundant acts. Those acts are set out in three parts. The principal acts that are to be repealed are outlined in detail in the bill; there is a list of amending acts with transitional or substantive provisions; and there is a list of amending acts which have provisions that are now redundant.

When the Acting President was in the Chair, Mr Strong used the opportunity to stray into budgetary matters and got caught up with his hyperbole. He talked about billions of dollars of surplus. We all know that the budget that has been brought down today by the Treasurer outlines a surplus of \$317 million and an average of \$316 million for the three years ahead, so talking about billions of dollars is totally out of order. However, I note he was brought to order for his outrageous and irrelevant statements at that point in time.

The bill speaks for itself. It is an important part of the housekeeping and tidying up that is done from time to time in this state so that our legal system is clear, up to date and usable. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

That the house do now adjourn.

Member for Ivanhoe: budget breakfast

Hon. BILL FORWOOD (Templestowe) — The matter I wish to raise on the adjournment tonight is for the attention of the Premier. It goes to the issue of the standards of members of Parliament and also to financial accountability.

I was recently fortunate enough to receive a letter from the member for Ivanhoe in the other place, Craig Langdon, which included an invitation to attend the 2006–07 state budget breakfast with the Treasurer. He wrote that it was a great pleasure to invite me to attend the annual budget breakfast and said it would give me a rare opportunity to discover first-hand the implications of the budget. It goes on to say, and I quote from Mr Langdon's letter:

Funds ... from the breakfast will go towards assisting and supporting local community groups and individuals who work tirelessly with and for their local community.

I do not have much of a problem with that, but when you look at the invitation, you find it says:

Cheque enclosed —

next to a tick box on the invitation, and —

(Cheques should be made payable to Ivanhoe SECC (State Electorate Campaign Committee)).

This invitation has been issued far and wide, including to me, by Mr Langdon, and it says funds from the breakfast would go towards assisting and supporting local community groups and individuals who work tirelessly with and for their local community. It also says, 'Please make your cheque out to the ALP slush fund'.

Honourable members in this place know already that this is the slush fund that the member for Ivanhoe used to channel the money from The Mall rent when he illegally rented his office — —

The PRESIDENT — Order! The member is making accusations and allegations about a member in the other place, which is inappropriate in the adjournment debate. He should direct his remarks to the matter he has raised about an invitation to a budget breakfast and the correspondence he has referred to. It is inappropriate for the member to make comments

about things being illegal. I do not believe he has the authority to make that judgment. It is inappropriate to use that terminology in the house, and I ask him to withdraw that comment.

Hon. BILL FORWOOD — I am sorry, President, which one?

The PRESIDENT — The part about things having been done illegally — about the illegal redirection of funds.

Hon. BILL FORWOOD — What, the funds that were rorted from The Mall?

The PRESIDENT — Order! Mr Forwood!

Hon. BILL FORWOOD — Okay, I withdraw the word 'illegal' — —

The PRESIDENT — Order! I ask Mr Forwood to take note of my ruling.

Hon. BILL FORWOOD — I take note of your ruling and make the comment that this is the action that is being investigated currently by Victoria Police and, one would also presume, by the Parliament, given that it was the Parliament's office space that was allegedly being let by the member to the group of which he was the president.

The only point I am making for the Premier, when he comes to consider this issue, is that this letter states that funds from the breakfast will go to assisting local and community groups, but I think this matter needs to be tested and audited, particularly given that by the member's own admission, these funds are going into an ALP campaign, to use his own word, account.

I put it to the Premier that this is entirely inappropriate and he should take action against Mr Langdon, but given his form to date, particularly in relation to Mr Seitz — —

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

Timber industry: Our Forests Our Future program

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Victorian Communities in the other place regarding the Our Forests Our Future tax bungle. The Auditor-General told the Parliament on 30 June 2003, in a report to the Parliament entitled *Managing Logging in State Forests*, that the Department for Victorian

Communities provided 350 individuals with almost \$11 million in industry restructure payments under the workers assistance program, and that under the contractors assistance program, 37 contractors were assisted at an estimated cost of around \$13 million. I point out that many missed out being paid under that program.

However, at the time of receiving these payments, these workers and contractors were advised that the payouts they would receive were to be free of tax, and the recipients have advised me that they signed documents to ensure tax exemption for these payouts. But now things have progressed a little. In a letter dated 12 May 2006 the Department for Victorian Communities advises that the previous advice given was incorrect and at least part of that payment is now deemed as assessable income and group certificates to that effect have been issued to these people.

I have a constituent, whose name I am prepared to give to the minister but whom I am not going to name publicly because of privacy reasons, who has given me a copy of the payout he received under the workers assistance program of \$69 375.78 on 29 May 2003. He now has a group certificate showing that he has an assessable amount of \$38 444 from that payout. By law he has to submit an amended income tax statement for 2002–03 and faces a substantial tax bill payment. There are others on benefits who may lose access to any benefits because of this liability to declare part of that payout figure now.

The timber workers have used the money to pay debts and to pay off mortgages, and three years later that money is simply not there. I might add that the decisions to accept the payout figures were based on the advice given to them at the time — that is, there would be no tax payable on those payouts.

The advice by government three years ago was incorrect, and at least 400 or so timber workers, many in East Gippsland, are out of a job and now out of pocket. In my view the Victorian government should be liable to pay any tax on those benefits, and I ask the minister as a matter of urgency to do the right thing and ensure that none of these displaced workers is any worse off because of this government's tax bungle.

Somerville secondary college: land

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Education Services in the other place, the Honourable Jacinta Allen, and this item might also be of interest to Mr Jennings in his capacity as Minister for Aboriginal Affairs. I relate to a

difficulty that has been highlighted in the past week again about the Somerville secondary college. This important new school in the area of Somerville, which is a major investment for the state, is now compromised in the sense that it cannot have an adequate oval. Approximately 6000 square metres, or an acre and a half of land, immediately adjacent to the school was auctioned off on Friday to private sector developers, so that potential oval area has been lost.

A fair area of space has been prohibited from further development because of the alleged Aboriginal artefacts which no-one has ever seen or even looked at photographs of, but we have heard all about them. That cost a year of delays, which is why the community is getting extremely hostile. For the next 30, 40, 50 or maybe 100 years the students at Somerville secondary college will be denied an adequate oval for exercise and appropriate development. The community is outraged.

Last week the federal government offered to buy the land at no cost to the Victorian government. What did the Victorian government do? Nothing whatsoever. It did not even respond to the federal government's generous offer to purchase the land. The land was sold on Friday for a reported \$940 000 with a long-term settlement date. Since the contracts are only partially worked through, it is still not too late to intervene.

The fact that the federal government has generously offered to purchase the land immediately adjacent to this new secondary college is a good thing, but the state government has simply refused that offer, has taken no interest in it whatsoever, has placated certain sectional interests and has denied tens of thousands of current and future students the opportunity of having a decent oval. It is a disgrace, and it compounds the earlier mistakes and poor performance of the state government.

Will the minister urgently contact the federal government and accept its generous offer to purchase the land for this school?

Public transport: major events

Ms ROMANES (Melbourne) — I wish to raise a matter for the attention of the Minister for Transport in the other place, the Honourable Peter Batchelor, regarding the impact on transport in the city of the friendly soccer game between Australia and Greece last Wednesday evening. I recall Bernie Carolan of Metlink on the media on the morning of the game highlighting extra public transport services and encouraging the public to use those services to get to the game.

I am aware that we have developed a lot of experience in getting most people to major events in Melbourne by public transport. Some 75 per cent of people who attended the Commonwealth Games over that 12-day period used public transport, and we achieved better results than that at the time of the grand prix. However, at about 6 o'clock I left my office in West Melbourne to travel into the city by tram for an event in Collins Street, Urban Seed, a Baptist support program for homeless people, and found the city in total gridlock. I am sure many other people were very late for their appointments, performances or events because of the unexpected extraordinary traffic congestion that they had not factored into the timing of their travel that evening.

I ask the minister to look at a proposal that organisers of major events in the future, in cooperation with public transport operators, develop a public transport plan which aims to attract the majority of people to public transport for any major event held in Melbourne in the future.

State Library of Victoria: newspaper service

Hon. ANDREA COOTE (Monash) — My adjournment matter tonight is for the Minister for the Arts in the other place regarding the State Library of Victoria. I have spoken many times in this chamber about the state library and the excellent services it provides on the whole, but I have also flagged my concern about some of its services, such as the digitising of newspapers. There are many others that I am concerned about, and I have written a detailed description of what I believe needs to happen to encourage the state library to provide a better service.

As this chamber well knows, I am a great advocate of the state library. I was particularly concerned and disappointed to receive the following letter, which I shall read, because it voices some of the concerns I am hearing from other constituents. It is from a reputable researcher who has been doing some research that has taken over 18 months and she needs to have newspapers to do it.

I might also add that we have the excellent newspaper reading room, which I was influential in getting funding for, but I am particularly disappointed that the newspaper reading machines are not working. If the newspapers had been digitised, as I have been calling for, then this concern would not have been expressed.

The letter of 17 May from the researcher, who works and lives in rural Victoria, states:

For the past 18 months I have been frustrated on several occasions in my work/research due to faulty equipment. But today was beyond a joke. Of the six readers (out of the eight there once were) now available to work on only two were working! When one of these became available it was hardly working. The forward control was faulty and the images were also out of focus.

...

I was taken to machine no. 35 and shown how to use it ...

It was not working either. She said she had to wait 30 minutes for it to become available.

Will the minister ensure that the newspaper reading room machines at the State Library of Victoria are working at all times of the day and that every machine is in working condition, so that researchers do not have to go through this inconvenience. It is not good enough.

Life Education Victoria: funding

Hon. B. N. ATKINSON (Koonung) — I raise a matter with the Minister for Education and Training in the other place, the Honourable Lynne Kosky, in regard to the funding of Life Education Victoria. I seek her intervention to increase funding for Life Education Victoria to enable it to continue some of its programs and, if possible, to meet expanded demand for those programs. Life Education Victoria has certainly approached me, and no doubt other members of Parliament, with concerns about its funding.

It was introduced to me by Christine Fyffe, who happens to be the Liberal candidate in the Legislative Assembly seat of Evelyn. She has been involved with one of these committees, but it is not only she who is supportive of Life Education Victoria. I note that the Premier was actually on the committee of the Life Education Victoria Ballarat chapter at one stage before he assumed higher office. So there is an understanding of the work that Life Education Victoria does, and in fact it runs 17 programs around Victoria.

I am alarmed, and others have some real concerns, that at least two of those programs — those in the western suburbs and Maroondah — might close because they are already heavily in debt. Two other programs — in the north-east and Frankston — are also having some financial difficulties. That is not surprising given that the level of funding from the Department of Education and Training has remained at \$400 000 a year since 1999, despite the fact that educators' salaries have gone up 55 per cent over that 11-year period. This has obviously curtailed the work of Life Education Victoria.

I was concerned it may be that the program was not hitting the mark and there might be some very good reasons why the government had not increased funding, so I canvassed schools in my electorate. With the exception of one school, I received only good reports about Life Education Victoria. Indeed a number of schools indicated their dependence on that program for their students. I have also had letters of commendation from schools throughout the state. For example, I received letters from St John's Primary School in Thomastown, St Mary's Catholic Community School at Mount Evelyn, Kingswood College in Box Hill and so forth, all which were supportive of the work of Life Education Victoria. It is a shame that this organisation is in such a desperate position. I ask the minister to intervene and look at supporting this program, which each year reaches around 200 000 young people and 18 000 families and services some 900 schools. It does a tremendous amount of work with basically a very strong volunteer component and I think around seven staff delivering its programs. I hope the minister will consider the government's funding position in respect of Life Education Victoria.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My adjournment issue this evening is directed to the Minister for Environment in the other place as the minister responsible for Parks Victoria, the body that manages parks throughout the state. The action I require from the minister is to direct Parks Victoria to put in a submission to the environment effects statement (EES) process relating to the Bracks government's proposed siting of a toxic waste dump in the Mallee.

This issue has been raised with me by a number of constituents, who are well aware that Parks Victoria has strong policies on how our parks are managed and is quick to enforce those rules and regulations on anyone who steps out of line. Some may say that Parks Victoria should not be asked to do this, but I would ask why not. The Environment Protection Authority and VicRoads have obliged, so there is really no good reason why Parks Victoria should not accept that responsibility. In fact, when I thought it through, it was obvious that if it is an open and transparent process it should be directed to put in a submission which would cover its views on the clearing of native vegetation, damage to our flora and fauna and many other issues that are pertinent to the EES process.

I had been advised that a spokesperson for Parks Victoria said that the Department of Sustainability and Environment is the body responsible for making formal

submissions and that Parks Victoria has supplied input to that process. I really think that is a bit of a cop-out, as Parks Victoria has a separate identity from the DSE. Further to that, our communities want to hear Parks Victoria's views on the two major national parks that are adjacent to the proposed toxic dump. The Murray-Sunset National Park is Victoria's second largest national park and covers 633 000 hectares, so you would think that Parks Victoria would have a view on its proximity to the toxic dump. Then we come to the Hattah-Kulkyne National Park, which is an icon area in itself but also includes the internationally recognised Ramsar wetlands that attract visitors from around the country and around the world.

Parks Victoria has a reputation for being very tough on any issues that would expose our parks to any risks at all — for example, not allowing communication transfer points to be installed in parks and enforcing a number of other tough rules and regulations. There are many in our community who believe that these rules and regulations are a bit over the top. However, I suppose if those restrictions are applied without fear or favour, they gain community respect, if not support. In an effort to get some equity into the issue, and given that Parks Victoria is renowned for its strong policies and views on protecting our parks, the action I request from the minister is that he direct Parks Victoria to provide a submission to the EES panel hearing on the government's proposal to site a toxic waste dump in the Mallee.

Nepean Highway–Martin Street–Gardenvale Road, Brighton: traffic lights

Hon. C. A. STRONG (Higinbotham) — The issue I raise tonight is for the attention of the Minister for Transport in the other place. A constituent of mine, Mr Vincent Farinacci, of 89 Asling Street, Brighton, lives on the western side of the Nepean Highway. On his way to work early every morning he crosses the Nepean Highway from Martin Street to Gardenvale Road at a set of traffic lights. He tells me that at that 'he morning the traffic lights allow only a 7-second period in which to cross the highway. Nepean Highway is an extremely busy divided highway that carries a lot of traffic at that time of the morning. A period of 7 seconds certainly does not seem long in which to cross the highway.

This gentleman has had a few close shaves and feels the situation should be investigated. Apparently he has written to the Minister for Transport before. I request that the minister look at the intersection with particular reference to the timing of the traffic light sequence

when one is crossing from west to east across Nepean Highway.

State Emergency Service: horse units

Hon. E. G. STONEY (Central Highlands) — I have an issue for the Minister for Police and Emergency Services in the other place in respect of the State Emergency Service (SES) search and rescue horse units, which have been stood down for some years. I understand that these units were stood down originally because of insurance concerns and that an investigation was conducted into their future. I also understand that a report was produced and might be on the minister's desk but that nothing has been heard by the volunteers for quite some time. I have been told the report found that the horse search and rescue teams could be reintroduced, and I agree with that finding, but it is not clear what actually ended up on the minister's desk.

There are small groups of volunteers around Victoria who are very keen to use their horses as part of search and rescue groups. They own the horses, and they are very willing to keep in training so as to be part of their local SES group, and they would offer themselves as volunteers in difficult search and rescue operations. I am aware that there are groups of volunteers in regions such as the Upper Yarra and towns such as Mansfield, Warragul, Morwell, Swifts Creek, Benambra, Foster, San Remo and Rosedale, just to name a few, and that the horse teams, as was the case previously, would be part of the local SES. They would train with the local SES and on their own, and they would be a very valuable addition to the good work the local SES people do.

I have taken part in many searches, some on horseback and some in difficult conditions, and I can say with some knowledge that horses can be by far the best medium in some areas. Even in today's modern world with today's modern technology sometimes, when you just cannot see in front of your face because of the bush, people on horseback are the best. Even now, when a situation is serious, local horse people and local cattlemen just turn up to search by horse, as they did for the Mount Hotham plane search some time ago. Without any authority they just turned up and rode in that search for some days in the snow. I ask the minister to dig out the report, to make a favourable decision and to reinstate the horse search and rescue groups connected to the SES around Victoria.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Peter Hall raised a matter

for the Minister for Victorian Communities in the other place concerning the concessional payments in relation to the Our Forests Our Future program and the assistance packages that were offered to contractors and workers. The recipients believed three years ago that the payout packages would be tax free and have only recently learnt that that is not the case. I will ask the minister to look into that matter on behalf of the member.

The Honourable Ron Bowden raised a matter for the Minister for Education Services in the other place concerning the provision of an oval for Somerville secondary college. That matter will be referred to the minister.

Ms Romanes raised a matter for the Minister for Transport in the other place concerning major events and the need for event organisers to work with public transport providers to ensure that a proper public transport plan is developed for those events, and I will pass that on to the minister.

The Honourable Andrea Coote raised a matter for the Minister for the Arts in the other place concerning the state library and newspaper readers always working. I will pass that on to the minister, but I am not sure that the minister is responsible for them always working.

The Honourable Bruce Atkinson raised a matter for the Minister for Education and Training in the other place concerning funding for Life Education Victoria, and I will pass that on to the minister.

The Honourable Barry Bishop raised a matter for the Minister for Environment in the other place concerning submissions by Parks Victoria on the environment effects statement process, and that will be passed on.

The Honourable Chris Strong raised a matter for the Minister for Transport in the other place concerning his constituent, Vincent Farinacci, and the short traffic light time sequence allowed when motorists wish to cross Nepean Highway from Martin Street to Gardenvale Road. That will be passed on.

The Honourable Graeme Stoney raised a matter concerning the reinstatement of the search and rescue teams with horses, and that will be passed on to the minister.

Hon. Bill Forwood — On a point of order, President, at the commencement of the adjournment debate tonight the Minister for Sport and Recreation was in the chamber. I was the first member to speak in the adjournment debate, and I addressed my issue to

him. It appears to have fallen off the list. I am happy to repeat the issue if the house gives me 3 minutes.

I sought some action from the Premier. Amongst other things I sought an audit of the funds to ensure that the money went to the right place, as stated in the letter. I do not know if the Minister for Consumer Affairs was here when I raised that matter. I sought urgent action from the Premier on the issue I raised, which was about the member for Ivanhoe in the other place sending out a letter saying he was going to send the funds to worthy community groups and individuals while at the same time putting the money into his campaign account. I asked the Premier to investigate, I asked the Premier to counsel him and I asked the Premier to audit the account to ensure that funds went to the right place.

It seems to me that that falls absolutely and completely within the purview of the Premier of this state in relation to the behaviour of members of Parliament, and I look forward to a response.

The PRESIDENT — Order! Thank you, Mr Forwood. On the point of order and at the request of the minister, I do not believe the auditing of accounts is within the Premier's purview. The other issue the member raised with respect to a member of the government in the Assembly may be an area that could be addressed by the Premier.

Hon. M. R. THOMSON — It will be forwarded to the Premier.

Motion agreed to.

House adjourned 5.38 p.m.