**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE COUNCIL

## FIFTY-FIFTH PARLIAMENT

## FIRST SESSION

**Tuesday, 4 April 2006**

**(Extract from book 4)**

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

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Lady SOUTHEY, AC

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

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

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| Carbines, Ms Elaine Cafferty | Geelong | ALP | Nguyen, Hon. Sang Minh | Melbourne West | ALP |
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| Dalla-Riva, Hon. Richard | East Yarra | LP | Pullen, Mr Noel Francis | Higinbotham | ALP |
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| Hilton, Hon. John Geoffrey | Western Port | ALP | Viney, Mr Matthew Shaw | Chelsea | ALP |
| Hirsh, Hon. Carolyn Dorothy [1] | Silvan | ALP | Vogels, Hon. John Adrian | Western | LP |

[1] Ind from 17 September 2004
ALP from 10 November 2005

[2] Ind from 7 April 2005

[3] Ind Lib from 30 November 2005

# CONTENTS

## TUESDAY, 4 APRIL 2006

# Tuesday, 4 April 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:**

**Crimes (Document Destruction) Act**
**Gambling Regulation (Miscellaneous Amendments) Act**
**Liquor Control Reform (Amendment) Act**
**Rail Safety Act**
**Transport Legislation (Safety Investigations) Act.**

## QUESTIONS WITHOUT NOTICE

### Minerals and petroleum: exploration

**Hon. PHILIP DAVIS** (Gippsland) — I direct a question without notice to the Minister for Resources. I refer to the minister's answer to a question last Thursday and his media release of 16 March headed 'Victoria's minerals exploration booming', which made misleading claims about minerals and petroleum exploration expenditure in Victoria. Is it not true that the total spent on minerals and petroleum exploration in Victoria in the December quarter of 2005, $49.8 million, was actually 25 per cent below what was spent in the December quarter of 2004, $69.8 million, and that exploration has actually fallen over the last year?

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — I thank the honourable member for his first question to me on the resources portfolio in 103 days; he has finally managed to do one. I think there are two fundamental reasons it has taken the Leader of the Opposition so long to ask me a question on this area. The first is that he hates the fact that the resources industry is booming. He hates the fact that in 1999 there were 4000 people working in the industry and there are now almost 10 000. That is our record in the resources industry — from 4000 to 10 000. Therefore the Leader of the Opposition has done what he always does: he gets things wrong. He recently went out and made all sorts of claims about wind farms and the cost of them that were totally false. The claims he is making about my comments in relation to exploration in the resources sector are no different.

Expenditure on exploration in the resources sector is at record levels. It has been at record levels during the course of this government. I think I came into the house and provided details of those record levels. I gave detailed information about the extent of the investment which has been made in exploration in this resources sector. I also indicated to the house that as a result of that exploration expenditure we have a boom in this sector in this state, to the point where we are now looking at expenditure of $2.5 billion in the resources sector in one year.

Against a backdrop of an extra 6000 people employed, against a backdrop of record investment of $2.5 billion and against a backdrop of record investment in exploration in this sector, this shadow minister comes in here and seeks to do nothing more than undermine the sector. The Leader of the Opposition is seeking to undermine the sector, in the way he always does, because he does not have any idea about the importance of this sector and the number of jobs it is creating in regional Victoria.

*Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — I thank the minister for his answer. I note that petroleum exploration crashed from $62 million in the December quarter of 2004 to $29 million in December 2005 and that the remaining minerals exploration is almost exclusively based on gold due to a surge in the gold price from around $550 an ounce to over $820 an ounce. Therefore I ask: where is the exploration boom beyond a number of goldminers responding to record gold prices?

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — Let me quote what I actually said in the media release the honourable member referred to. I said:

> In the December quarter last year mineral exploration expenditure in Victoria jumped … to $26.3 million in seasonally adjusted terms — the highest quarterly … expenditure —

on mineral exploration —

> in the state since at least September 1988 …

That was the quote, which the member has not referred to, and I also said in the same release:

> It is expected in 2006 alone, a record $2.6 billion in new resources projects will come into operation …

That is a record he has never had and that is a record I am proud to stand by.

## Medical research: Healthy Futures

**Hon. H. E. BUCKINGHAM** (Koonung) — I refer my question to the Minister for Information and Communication Technology. Today saw the launch of Healthy Futures, the Bracks government's $230 million commitment to ensuring that Victoria's life science industry remains a world leader in turning scientific research into practical benefits. Will the minister inform the house of how information and communications technologies help the advancement of life science research and what innovative information and communications technology initiatives are contained in the statement?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the member for her question. Last week I spoke about how advanced information and communications technology (ICT) applications were playing a crucial role in helping the Bracks government deliver a world-class health system. Another reason why Victoria has a world-class health system is that we are in fact leaders in medical research.

Healthy Futures is the Bracks government's wide-ranging package of initiatives to encourage further medical research in Victoria, leading to the development of new medicines and new approaches to treatments to improve the lives of all Victorians. Modern research cannot occur without the assistance of advanced ICT applications. The masses of data generated require enormous capacity for it to be stored and analysed, but real advances in research come from collaborative research and sharing of data, and that is where the cutting edge use of ICT is moving to.

Through Healthy Futures the Bracks government is making Victoria the leader in this field by providing $10 million to develop advanced grid infrastructure in Victoria. The grid will use secure broadband connections to provide advanced data storage and computer and data analysis capabilities for researchers. Four e-research centres will be established, one at Parkville, one at Monash Clayton, one at La Trobe Bundoora and another at Werribee to connect researchers across disciplines and across Victoria. The grid will also give access to both the national and Victorian supercomputing programs, meaning that researchers can share data and research findings and can all access the advanced infrastructure required to undertake world-leading research.

This cutting-edge approach will immediately see benefits for cancer researchers with an additional $11 million through the statement which has been committed specifically for grid applications to enable our cancer researchers to share data across all metropolitan and regional cancer centres. The establishment of the grid infrastructure and this application will create a significant e-research platform for Victorian medical research.

This is another example of the Bracks government delivering a world-class performance, leading Australia with world-class e-research infrastructure, leading in life science research and leading in helping to turn this research into real health and other outcomes for all Victorians that will ensure a much healthier future for all of us.

## Commonwealth Games: benefits

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — My question is to the Minister for Commonwealth Games. I refer to the government's claim that the direct impact of visitation to the Commonwealth Games was $270 million, and I ask: on what basis was this claim determined?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome the member's question on the Commonwealth Games, and I particularly welcome the fact that the Honourable Bill Forwood is still wearing his Commonwealth Games badge. I know that the opposition will miss Bill significantly when he moves on.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — And so will we.

**An honourable member** interjected.

**Hon. J. M. MADDEN** — There are still seats available. I welcome the member's question in relation to the Commonwealth Games. In every sense of the word it was a wonderful event, because it showcased Melbourne to the world, it showed the world what we are capable of, and what a great city it is. What has been remarked upon to me on a number of occasions is that those people who were out there along the banks of the river, either attending the festival or attending the sporting events, had the most magnificent time. That was also complemented, I suspect, by some of the best weather we have had in years.

**An honourable member** interjected.

**Hon. J. M. MADDEN** — I am a little bit tired, as members opposite might appreciate, and for good reason. The information on all the economic activity that either took place during the games or anticipated

across the games has been provided to us through the department, and I understand that information has been provided to the department through the respective independent reports, like the report that came from KPMG in relation to the anticipated economic benefit, the $1.5 billion growth for the state economy, or the $3 billion of economic activity that we anticipate will have been generated by the games.

The other impressive statistic was from the hoteliers association, which said that it had the highest rate of occupancy ever in relation to hotel room take-ups. We have had a whole range of bodies provide us with that information. Expenditure in the city across the games has been provided to ministers and the Premier through the departments. I anticipate that has been based on reports provided to the department by either relevant stakeholder associations or through respective independent reports.

*Supplementary question*

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — Is the minister aware that many central business district restaurants, including the Flower Drum, reported a drop in trade of between 20 and 50 per cent during the games? How does the minister reconcile that with his claim of an extra $270 million in economic activity?

*Honourable members interjecting.*

**The PRESIDENT** — Order! I do not know whether the minister heard the question, but I did not hear anything after 'Flower Drum'. I ask the member to repeat the question, and I ask the house that he be heard in silence.

**Hon. G. K. RICH-PHILLIPS** — Is the minister aware that many central business district restaurants, including the Flower Drum, reported a drop in trade of between 20 and 50 per cent during the games? How does the minister reconcile that claim. How does the minister reconcile that with his claim of an extra $270 million in economic activity?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome the member's question, because there is no doubt that much of the activity throughout the course of the games was at the Federation Square end of town, much of which was family activity. I know, having walked through Federation Square yesterday and having walked through Federation Square during games time, that businesses in and around that precinct must have done remarkable business throughout the games. There were proprietors of many of the food outlets there who I think have had probably some of the best weeks they could have ever expected. But, of course, there is no doubt there were some quieter spots in and around the city throughout the course of the games.

We went to great lengths to encourage people in the lead-up to the games to think strategically about how to use the games to benefit their businesses, and the likes of programs such as Business Ready were a key element in preparing businesses for the games and assisting them throughout the course of the games.

## Commonwealth Games: Melbourne Sports and Aquatic Centre

**Mr SOMYUREK** (Eumemmerring) — My question is also directed to the Minister for Commonwealth Games. I ask the minister to outline to the house how recent additions to the Melbourne Sports and Aquatic Centre will ensure that this world-class facility continues to support major events as well as community sport.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome Mr Somyurek's questions in relation to the Commonwealth Games because I know he has been a very enthusiastic supporter of the games — not only in the lead-up to the games and during them but in particular after the games.

One of the great things that was reinforced throughout the course of the games was the wonderful sporting precincts we have, whether it is the Melbourne Sports and Aquatic Centre precinct, the Melbourne and Olympic parks precinct or the Melbourne Cricket Ground precinct. These are state-of-the-art precincts located close to the heart of the city, and it is hard to think of any other city in the world where these sorts of sporting precincts are in any way remotely repeated. But one of the things that also sets us apart from the rest of the world is the personnel we have who work in these precincts and who deliver events and community-based sport. We have wonderful stadiums, wonderful precincts and wonderful personnel.

To make sure that we continue having the personnel we have, personnel who are adequately trained and adequately supported for that competitive edge, not only in terms of the individuals but also as a city, the Melbourne Sports and Aquatic Centre has completed its Sports House redevelopment. I had the great pleasure of being there today to officially open the Sports House precinct. The Sports House is the old South Melbourne technical school. It has been refurbished and brought into the precinct.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — I advise Mr Drum that anybody who attended the games would appreciate that much of the precinct has been extended across what was the South Melbourne technical school.

One of the great things about that building is that it will house a number of sporting organisations as tenants within the precinct, thus again consolidating many of the groups, allowing them to interact with each other and broaden the skills of the personnel in each of the organisations. The initial tenants include Sports Medicine Australia and the Melbourne School of Sport and Recreation Management. Already the Melbourne School of Sport and Recreation Management has had its initial summer training course, when representatives from around the world came to acquire expertise in the management of events — and no better time to do that than throughout the course of the Commonwealth Games.

As well as that, one of the initial tenants will be the 2007 World Swimming Championships organisation. It will be there for the next year.

**Hon. D. K. Drum** interjected.

**Hon. J. M. MADDEN** — At the end of that year the organisation will fold itself away and we will be able to put other tenants into Sports House. Mr Drum would appreciate that these tenants will be the state sports associations. We will be working with them to give them an opportunity — if they wish — to locate themselves in that precinct and be able to work collaboratively, and hopefully that will assist them by reducing some of their administration costs. We anticipate, too, that they will be able to pay a somewhat lower rate than some of the commercial rentals in and around that area.

It is not enough for us to rest on our laurels, having had the greatest Commonwealth Games ever. That is not enough. We will continue to invest in sport in this state, in the personnel, in the stadiums, in the facilities, to make sure that we are miles ahead — or kilometres ahead, Mr Drum; I know The Nationals still talk in miles — of any other city or state around the world and to make sure that we not only make this a great place to live but also deliver world-class performances.

## Hazardous waste: Nowingi

**Hon. B. W. BISHOP** (North Western) — My question without notice is directed to the Minister for Major Projects, Mr Lenders. I ask this question on behalf of all Victorian taxpayers. Can the minister inform the house of the size of the budget for and how much has already been spent by Major Projects Victoria on the flawed proposal to place a toxic waste dump in the Mallee?

**Mr LENDERS** (Minister for Major Projects) — The newfound fervour of the convert! He was silent during the years when his government was proposing to establish landfill at Werribee. He was silent then, but now he has the fervour of a crusader. It is the late-found fervour of the convert, but unlike the parliamentary Liberal Party, at least he put in a submission to the environment effects statement (EES) process.

As Mr Bishop well knows, the entire purpose of the long-term containment facility is to find a solution to dealing with the industrial waste of Victoria's manufacturing society that cannot be eliminated on site and certainly should not be put into landfill in Sunraysia or any other part of the state. This government is continuing to go through the EES process on the site that has been selected, and it is being tested on that. That process has been an expensive one, because with respect to the Sunraysia community we commissioned 24 substantive environmental reports and now some supplementary reports so we can answer the questions raised legitimately by that community.

We will see this process through. Directional hearings have been held, and further hearings will be held in Mildura, Bendigo and Melbourne, I believe. First and foremost we will be ensuring that we have a fair, open and transparent EES process. Those processes cost money, but we want Sunraysia to have a decent EES process so the community can be given answers. After that process it is beholden on government, depending on the outcome of that process, to make the necessary decisions to carry it out.

*Supplementary question*

**Hon. B. W. BISHOP** (North Western) — Unfortunately the minister did not answer the question, so I will try another tack and ask a supplementary question. Can the minister inform the house what is the budget for the Crown's legal costs for the panel hearings?

**Mr LENDERS** (Minister for Major Projects) — Mr Bishop throws many lines into the pond. Mr Bishop tries every angle possible to discredit the process. He says his job is actually to sabotage the process, to discredit the process. He says his job is to be negative and un-Victorian. I would hope his job as a member of this Parliament would be to vigorously defend his constituents whether he be in government or in

opposition. His job is not to be swinging backwards and forwards on the pendulum, either as part of the Kennett government when it was doing horrible things to the people of Werribee and ignoring the rest of the state's waste, or now as an opposition member trying to make mileage out of an issue in his electorate.

First and foremost our responsibility is to get a fair EES process. These figures are transparent, unlike those of the government he was a part of, which nobbled the Auditor-General and was closed and not transparent. They will be reported — —

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

## Commonwealth Games: merchandise

**Hon. RICHARD DALLA-RIVA** (East Yarra) — My question without notice is to the Minister for Commonwealth Games. Will the minister inform the house which items of official Commonwealth Games merchandise were manufactured in Australia?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome the member's question for a number of reasons. It is good to see that Mr Dalla-Riva has finally cottoned onto the fact that we had the Commonwealth Games here. If I looked through *Hansard* I would find it is the only question in relation to the Commonwealth Games I have had from Mr Dalla-Riva. That is interesting because it is not even one of his shadow portfolio responsibilities. I welcome the fact that he has asked the question, as I do any questions in relation to the Commonwealth Games from the other side of the chamber. Certainly I appreciate Mr Dalla-Riva's interest.

The Melbourne 2006 Commonwealth Games Corporation was involved in an extensive array of commercial agreements with all sorts of merchandise organisations. Whether it be the Commonwealth Games badge on Mr Forwood's lapel, drink bottles, T-shirts, Karak dolls — any of those items — or whether it be the work force uniforms that were also a significant attribute of the Commonwealth Games — —

**Hon. B. N. Atkinson** — Sold in Dimmeys yesterday for $5.99.

**The PRESIDENT** — Order! Mr Atkinson!

**Hon. J. M. MADDEN** — It is good to know that Mr Atkinson is still driving the train that he has been pretending to drive for some time.

There has been an extensive array of merchandise. It would be hard for me to tell you now which piece of merchandise or which element of that merchandise was produced in Australia. One of the great attributes of delivering these games was the work force uniform which the volunteers wore. The majority of that uniform was produced in one form or another in this country, and particularly by Victorian companies.

In relation to the other bits of merchandise, I suspect quite a substantial amount was not produced in this state; no doubt some of it was produced in this country and probably a substantial proportion was produced overseas. What was produced overseas was probably produced overseas on the basis that it could not be produced in this country for an acceptable commercial return. What the opposition would also appreciate is that some industries that produced many of those sorts of traditional items no longer exist in this country.

We all know the games were a huge success. The public were united by the moment. They games captivated the city, they captivated the commonwealth, and the only naysayers about the games — —

**Hon. D. K. Drum** interjected.

**Hon. J. M. MADDEN** — I did mention the entire country, Mr Drum. The only naysayers would seem to be opposition members who are not particularly excited about it because they were hoping it would be a train disaster. They were hoping it would be like the signal controller on the other side of the chamber who resembles somebody out of *Thomas the Tank Engine* — —

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

*Supplementary question*

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I thank the minister and welcome his response, and I would welcome his continuing for the next half minute, even though he did not respond to the question.

In asking my supplementary question of the minister I note that the official games caps, backpacks, water bottles, radios, pedometers and business card holders, as examples amongst many other items, were all made in China. Given that the government has spent over $1.5 million on the Commonwealth Games industry participation program, can the minister identify any items of official games merchandise that were manufactured in Australia, in an environment where the minister has absolutely stripped the manufacturing industry?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — It is a bit of a shame that the opposition feels compelled to try to bring down what was such a magnificent event. I suspect that Mr Dalla-Riva has not listened to me in this chamber or read the press releases, because if he had read the press releases he would have appreciated one of the great attributes of the volunteers' uniform that he was talking about. The drink bottles and drink bottle holders which the member is trying to say were made in China might well have been made in China, but the member should appreciate the quite significant announcement that Yakka was involved in delivering the work force uniform — Hard Yakka! Opposition members could not spell 'yakka', let alone 'hard yakka'. They would not know what it meant. However, the member should appreciate that Bruck Textiles of Wangaratta was involved in the producing the fabric for that uniform.

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

## Gas: Creswick supply

**Hon. R. G. MITCHELL** (Central Highlands) — My question is to the Minister for Energy Industries. Can the minister advise the house of how the Bracks government is leading the way in recent developments in the natural gas extension program? In particular can he inform the house of the status of the gas connections in Creswick?

*Honourable members interjecting.*

**The PRESIDENT** — Order! The Leader of the Opposition! Ms Hadden! If the continual crying out of members on both sides of the chamber is maintained at the level it has been to date, I will use sessional orders to remove the offending members. I am sure Ms Hadden, in particular, wants to hear the answer to this question, so I expect her to hear it in silence.

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — The natural gas extension program is one of the many great initiatives the Bracks government is undertaking to restore services in country Victoria. This is great news. Thanks to this program residential connections are occurring in Wandin and Bairnsdale, and work is three months ahead of schedule in Yarra Glen. Reticulation of Macedon and Woodend is well ahead of schedule, and excellent progress is being made on the East Gippsland and Mornington Peninsula extension projects. Connection works at St Andrews Beach, Port Fairy and Paynesville are also well advanced, and work has begun at Hurstbridge. Over 180 kilometres of pipeline has already been laid and work is currently under way in a total of 16 towns — a clear demonstration that the natural gas extension program is being delivered ahead of time and on budget.

It also gives me pleasure to report to the house that at Creswick, one of the 34 towns receiving gas, connections have already started. Over 40 Creswick customers, comprising a mix of families and local businesses, have already been connected — even months ahead of schedule. Another 340 customers have expressed interest, and a further 400 local families and businesses now have access to natural gas. That is over 800 families and businesses that are in the process of being connected in Creswick. That is contrary to the claims of Ms Hadden last week, when she asserted that streets such as King Street, White Hills Road and Albert Street had no access to a connection. I have been advised that work in those streets has been completed and that connection is available. I have also been advised that connection will be available in Roger Street at the end of April. Ms Hadden went on to claim:

> . . . Creswick businesses along the stage 1 distribution route have so far been denied connection by SP AusNet.

I am informed that SP AusNet has not denied businesses connection along those routes and that potential customers only need to approach a retailer and obtain a certificate of compliance in order to get connected.

Those connections are great news for Creswick. They are great news for local jobs. They are great news for local plumbers. I also understand that SP AusNet is offering up to $400 credit on the first bill as a connection incentive for new customers. This is fantastic news for Creswick. Thanks in part to the hard work of Creswick's local member of Parliament, the member for Ballarat East in another place, Geoff Howard, SP AusNet has reached further agreement with customers to undertake three extensions to existing stage 1 networks. Those works will be undertaken in the near future and will demonstrate that the backbone infrastructure created as a direct result of the Bracks government's $70 million program will continue to help country Victorians.

When you combine the annual savings of between $600 and $1200 to households in country Victoria with the fact that we will be connecting between 70 000 and 100 000 Victorians to natural gas as a result of this program, it will be like injecting between $60 million and $100 million every year into rural Victoria.

## Home and community care program: funding

**Ms ARGONDIZZO** (Templestowe) — My question is to the Minister for Aged Care. Can the minister comment on the recent allocation of 2006 home and community care (HACC) growth funding and its application to areas around Victoria?

*Honourable members interjecting.*

**The PRESIDENT** — Order! I know the honourable member was close to the minister, but she was also close to me and I did not hear her question. Would the member please repeat the question?

**Ms ARGONDIZZO** — My question is to the Minister for Aged Care. Can the minister comment on the recent allocation of 2006 HACC growth funding and its application to areas around Victoria?

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I thank Ms Argondizzo for her question — and also because this is the first time that I ever remember my voice being amplified in this chamber. Given the stony silence my contribution has started in, I will probably be able to convey the answer to members of the chamber.

I am very pleased to report to the house, as I have on many occasions — —

*Honourable members interjecting.*

**Mr GAVIN JENNINGS** — There you go; you invite it, and what happens!

The home and community care (HACC) program throughout Victoria is a $410 million program funded jointly by the commonwealth and state governments. It provides a great degree of support to older members of the community and people with disabilities right around Victoria. It is added to by significant contributions from a number of providers, the most significant of those being local councils. They add somewhere in the order of another $70 million worth of effort to that level of funding.

Earlier this year we embarked upon a program of looking at the growth allocation of funding for HACC programs right across Victoria. One of the key things we are trying to achieve in the next three years is to continue to provide that service on an equitable basis around Victoria. A key driver of the allocation of growth funding is to try to make sure that, regardless of where a person lives in Victoria, they have appropriate equal access to home and community care services. We want to do this on the basis of recognising that there are a number of regions within metropolitan Melbourne that have been sorely under-resourced on a per capita basis in years previously. However, we do not want that to come at the expense of being able to deliver an improved quality and quantum of care to older members of the community who live in regional areas of Victoria. It is very important that that allocation of growth funding is shared.

I want to convey to the house a measure of how we have been able to achieve that for the next three years through triennial funding, so the allocations I am about to refer to represent the annual increase that will be going to a number — a sample — of local government areas around Victoria. For instance, in terms of meeting growth and demand in the Hume local government area in north-west Melbourne and in Brimbank, both of those municipalities will be receiving somewhere in the order of a $1.1 million increase during the course of the next financial year.

In Whittlesea there will be a similar growth pattern. — about $760 000 will be added to the program during the course of the year. In Casey and Greater Dandenong in the south-eastern metropolitan area of Melbourne where growth is occurring, $900 000 has been allocated to the municipality of Casey and $800 000 to the municipality of Greater Dandenong. But they are not the only places where there will be growth under this program. Important locations such as Geelong will benefit from an increase of about $760 000.

**Hon. Andrea Coote** — What about Stonnington?

**Mr GAVIN JENNINGS** — No. If the opposition spokeswoman had asked me a question about Port Phillip, for instance, I would have been able to tell her straight off the top of my head that it will be receiving a $158 000 increase, making a total $7.238 million annual increase within the city of Port Phillip. I will come back to the member regarding Glen Eira, but there would be a number of other members whose queries I would be able to satisfy.

For instance, if Mr Baxter were to ask me what is happening in Wodonga I would say it will get a $179 000 increase. If he or Ms Lovell were in a competitive environment and asking what is happening in Shepparton, I could say there will be a $207 000 increase in that municipality. I could tell Mr Bishop that in Mildura there will be a $107 000 increase. But they are not alone, because even small shires such as Hindmarsh are receiving $10 000.

In fact to answer Ms Argondizzo's question, the municipalities in her region include Banyule, which

will receive $245 000, and Manningham, which will receive $275 000. Regardless of where they live in Victoria we are committed to supporting older members of the community and people with disabilities through home and community care.

## Q fever: vaccine

**Hon. E. G. STONEY** (Central Highlands) — My question is to the Minister for WorkCover and the TAC. There is a chronic shortage in Victoria of the Q fever vaccine, which is vital for all workers who handle livestock, including abattoir workers. I understand CSL Ltd has only 12 000 doses in stock and that Australian workers require at least 25 000 doses a year. I ask: where do Victorian employers stand if they are unable to access Q fever vaccine to safeguard their employees and an employee contracts this industrial disease?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I welcome Mr Stoney's question. I welcome any interest from the other side of the chamber in the issue of WorkCover. It has been 103 days since the Leader of the Opposition in the other place reshuffled his frontbench, and I am still waiting for the slightest flicker of interest in WorkCover from the shadow minister for WorkCover, Mr Beige Davis, the man who sits between Mr Green Davis and Mr Brown Davis — namely, Mr Atkinson. I note that Mr Forwood has asked at least two questions in that time, and Mr Stoney is now asking a question, and I welcome those questions.

But I would also ask the opposition to reflect on where it stands on this important issue, because whenever occupational health and safety or WorkCover has been discussed in this place we have been stonewalled — obstructed — by those opposite. Mr Stoney, Mr Forwood and Mr Atkinson — the lot of them — have voted against our landmark reforms in occupational health and safety and have voted against any intervention by this government to make workplaces safer. On every occasion when the occupational health and safety inspectorate from WorkSafe seeks to enforce anything, people like Mr Atkinson — when he is not worrying about train wrecks or penning electronic notes to his colleagues about the train wreck that is the Liberal Party — say we are intervening, we are heavy handed and we should get off the backs of employers and leave the regime where it was.

I will take on notice the specifics of Mr Stoney's question about a lack of vaccine. If that is the case, I will find out what individuals and employers are likely to do and get back to him on it.

**Hon. Philip Davis** interjected.

**Mr LENDERS** — I note the mirth of the Leader of the Opposition, who laughs at my response. I take up his interjection, because in question time seeking to provide information in an accurate fashion to members of the opposition and taking an item on notice is a courteous way of giving a specific response to a specific question while not avoiding the question by answering in general terms. I find it interesting that the Leader of the Opposition takes great joy in the varied response to questions.

I will take on notice Mr Stoney's specific question, but I invite the Leader of the Opposition to pause to reflect on what he did in seven years as a part of the Kennett government and what he has done in the past six years as a part of the opposition, because on every occasion when this government has sought to improve workplace protection we have had nothing but obstruction. Whenever we have tried to make workplaces safer so workers can go home to their families at night without the risk of injury, we have got obstruction. Whenever we have made workplaces safer for workers, premiums more affordable for businesses or provided a more transparent system, we have got nothing but obstruction from the opposition.

I welcome the interest of the opposition. After 103 days I urge the shadow minister for WorkCover to show some interest, to pay some attention to the portfolio and to stop focusing on train wrecks in the parliamentary Liberal Party and emailing his colleagues.

*Supplementary question*

**Hon. E. G. STONEY** (Central Highlands) — I note that the minister has agreed to inquire into the position of employers, but there is another issue. What is the minister doing to ensure that there is enough Q fever vaccine so that everyone in the Victorian livestock and abattoir industry can be covered? There are two issues involved.

**Mr LENDERS** (Minister for WorkCover and the TAC) — The substantive part of Mr Stoney's question I addressed in my response to his original question. I say to Mr Stoney in general terms: what this government continues to do on all issues of occupational health and safety is actually have a state-of-the-art, world-class occupational health and safety regime that works in partnership with employers and employees — both of them. Unlike the member's colleagues in the commonwealth, who score points out

of this all the time, who go off on half-baked journeys to try to play ideological games with this, we work collaboratively with employers and employees to deal with all the occupational health and safety issues. We will continue to work with them so that we continue to bring down deaths in rural industries, bring down injuries in industry, improve benefits for injured workers and make premiums more affordable for employers. That is a good lot of reforms. We urge the commonwealth to assist us in doing that.

### Housing: affordability

**Hon. S. M. NGUYEN** (Melbourne West) — My question is to the Minister for Housing. Can the minister inform the house how the Bracks government is leading the way in increasing the availability of affordable homes for older people in the inner metropolitan area?

**Ms BROAD** (Minister for Housing) — I thank the member for his question and for his concern about access to safe and affordable housing for older Victorians. I am pleased to advise the house that the Bracks government is indeed leading the way by building more affordable housing — homes for older Victorians that are safe as well as affordable. We are doing it because the Bracks government believes every Victorian deserves a safe place to live — especially our senior citizens.

Recently I was pleased to join my colleague the member for Richmond in the other place, Mr Wynne, in opening brand-new homes in Jamieson Street, North Fitzroy. This project sets new standards for public housing. One of the new tenants, Mr Jeffrey Robertson, illustrates very well the importance of safe, affordable housing for all of us. Mr Robertson was previously living in unsuitable housing in Warrnambool, and he needed to move to Melbourne for health-related reasons. Providing Mr Robertson with a safe and affordable home in Melbourne has not only met his housing and health needs but also enabled him to make a terrific contribution to his local community. He was recently recognised for his voluntary work in support of people living with HIV/AIDS and was privileged to carry the Queen's baton through Carlton the day before it arrived at the Melbourne Cricket Ground for the Commonwealth Games. This is a terrific outcome for him.

The $6.8 million, 32-unit development is the result of many years of planning and community involvement. The site on disused inner circle railway land was first identified for public housing in the mid-1980s in a report prepared by one of my predecessors, a former Minister for Housing, the Honourable Barry Pullen.

The great advantage of this development, in addition to its terrific location, is that there is disability access to all units, with the opportunity for further modification in future to suit specific needs. That means that as residents get older — and, let's face it, we are all getting older together — it will be easy to modify their homes so that they can continue to be safe for the residents for as long as possible. This project is a terrific example of what can be achieved in providing appropriate public housing that is integrated into its community and serves the needs of its tenants.

It also comes on top of brand new homes in Brunswick and Coburg developed through the government's social housing innovation project program which were opened recently by the local member, the member for Pascoe Vale in the other place. These projects are very practical demonstrations of how the Bracks government is leading the way in improving access to safe, affordable homes for older Victorians.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 5301, 5414, 5608, 6076, 6113.

## MEMBERS STATEMENTS

### Child care: regulation

**Hon. ANDREA COOTE** (Monash) — There has been recently an enormous amount of media attention focused on a private child-care operator in Australia. The Minister for Children in the other place, Ms Garbutt, was very forthcoming with advice to this operator. She should have a closer look in her own backyard, because Victoria is the only state in the entire country that does not have regulations pertaining to the family day care system. Twelve months ago Ms Garbutt said that she would introduce these regulations, but to date she has failed to do so. These regulations would see licensing and regulations across Victoria.

There are currently no minimum standards across Victoria, and that is what should be achieved. There are no health and safety regulations having anything to do with police checks or washing of hands, or that there should be a staff ratio of men to women.

Family day care centres and outside school hours care in Victoria is not regulated. It is unacceptable for child care to remain unregulated in some states and territories, and it is absolutely appalling that Victoria is one of those. The Victorian government needs to take steps to implement a regulatory system for family day care and outside school hours care, and parents deserve the very best peace of mind that they can have that their children are attending safe, high-quality child-care services, and Victoria, under Ms Garbutt, should pull up its socks, get itself organised and have regulations quickly.

## Second World War: 60th anniversary

**Ms MIKAKOS** (Jika Jika) — On 21 February I had the honour of attending the unveiling of a plaque in Preston to commemorate the 60th anniversary of the end of World War II in the Asia-Pacific together with my parliamentary colleagues Martin Ferguson, the federal member for Batman; Michael Leighton, the member for Preston in the other place; Cr Stanley Chiang, the mayor of Darebin; Robert Cross, the president of Preston RSL; and Tom Turton, the president of Northcote RSL.

World War II represents a struggle for freedom against tyranny and fascism, a war that my grandfathers fought in Greece and one that has special significance in our day and age. Australia entered the war in the Asia-Pacific region on 7 December 1941, and over the next few years Australian troops were mainly engaged in land battles in New Guinea. Over 39 000 Australians died during this war, making the ultimate sacrifice, and almost 1 million Australians enlisted to serve during the war. Over 500 000 served overseas, either in Europe or the Asia-Pacific. I would like to acknowledge their bravery and that of the thousands of women who served as nurses and in the Australian Women's Army Service.

In 2004 Premier Steve Bracks assumed responsibility for Victorian veterans affairs to give ex-servicemen and women a prominent voice in government. This and a recent round of grants to restore war memorials demonstrate the commitment of this government to acknowledge the important contribution of our veterans. I take this opportunity to thank the RSL for its contribution and on behalf of my constituents to express sincere thanks to all veterans for their dedication in keeping Australia safe.

## Local government: vacancies

**Hon. J. A. VOGELS** (Western) — The North-West Municipalities Association has written to me suggesting that the Local Government Act provisions for council by-elections and procedures for filling multimember election vacancies under the proportional representation method of voting be amended. Under current legislation when a councillor resigns during their term of office a countback method is proceeded with to appoint a new councillor. Without mentioning names, under this method it is quite possible that a person of dubious character, being the only other candidate, could become the new councillor. We can all think of candidates whom the local community would not have a bar of otherwise, nominating, receiving a handful of votes from themselves and probably family, and never standing a chance of being elected to council.

However, under the present legislation that is not the case. Under the countback system a vexatious person whom the local community does not want can be appointed to council. I believe the act should be amended to make it necessary for a candidate to have received at least 4 per cent of the vote at the election to be elected under the countback arrangement, and therefore be entitled to at least receive their deposit back. We all understand that under our democratic voting system we should encourage people to run for office at all levels of government. However, allowing undesirables to be foisted onto a council when they have clearly been rejected by their local community is no way to ensure good governance.

## Eight-Hour Day: 150th anniversary

**Mr PULLEN** (Higinbotham) — On 21 April we will celebrate the 150th anniversary of the 8-hour working day. In 1856 Victorian stonemasons won the 8-hour working day, a world first in the struggle for improved working conditions for a fair split between work, rest and play. The stonemasons and building workers marched through the city of Melbourne and were joined by supporters on their way to Parliament to demand regulated working hours with no loss of pay. Their demands were granted and today the 8-hour working day stands as a symbol of the democratic rights of workers.

However, under the Howard government workers have been under attack since 1996, and the position will get even worse under the so-called WorkChoices which is also affecting small business. Australian Bureau of Statistics figures reveal that around 1.7 million Australian workers work 50 hours or more per week, the number of casual workers has grown to around 30 per cent of the work force and casual workers are paid in excess of 20 per cent less than permanent workers even with casual loading. Shift workers, whom the Howard government believes do not deserve any

extra pay, suffer greater risks of various disorders including cardiovascular disease, motor vehicle and work-related accidents, and family problems such as divorce. I remind members opposite that the trade union movement has been around a lot longer than they have and will still be here when their parties have been relegated to the dustbin of history.

## Mocka's gym, Coleraine

**Hon. DAVID KOCH** (Western) — As a keen supporter of grassroots sportsmen and women I am always on the lookout for ways to help sporting groups. Mocka's boxing gym, which is based in Coleraine and is run by coach Ray McIntosh, has 15 enthusiastic young boxers in training including the current under-16 Victorian welterweight champion, Adam McClure. The gym, with equipment and training-sized ring all provided from local donations and in-kind support, has come a long way in three years.

After visiting Mocka's gym for training sessions and seeing the limited resources and the conditions available in Coleraine, I spoke with the Minister for Sport and Recreation to see if any assistance was available to help the club in some way. These discussions ultimately led to Minister Madden visiting Coleraine on 5 March 2006 and presenting the club with a cheque for $1600 towards the cost of Commonwealth Games tickets.

On 25 March 2006, 27 boxers and supporters were able to see boxing events, including the gold medal matches in the light heavyweight and heavyweight divisions that were won by Australia's Jarrod Fletcher and Brad Pitt. This was a great opportunity for members of Mocka's gym to see world-class boxing at its best. It is with thanks to the minister that boxers, their coaches and supporters were able to attend these events and experience the excitement of the moment — an occasion I will not forget.

## Scoresby Football Club

**Hon. H. E. BUCKINGHAM** (Koonung) — On Wednesday night last week I was delighted to co-host with Kim Wells, the member for Scoresby in the other place, a fundraising dinner for the Scoresby Football Club. Despite belonging to different political parties we were able to work together to support an active and important local sporting organisation which is much valued by our mutual constituents. More than 75 people paid to attend the dinner, which was held here at Parliament House. The evening was a great success, with over $6000 being raised through ticket sales, raffles and an auction. This was a terrific outcome, as we just exceeded the amount aimed for by the club.

Guests were entertained by amusing presentations from former St Kilda player Kevin 'Cowboy' Neale and former Footscray player and now rails bookie Simon Beasley. In addition, we were able to see a different side of the Treasurer, who tried to prove that the Victorian economy is better off when Collingwood wins the grand final — which, from memory, has not happened all that often recently. I thank Kim Wells and his staff who put much effort into the organisation of the function, and my staff who worked on the night. I congratulate Steve Weir, president of the Scoresby Football Club, and his committee, players and supporters on the success of the evening. I wish all teams fielded by the club all the best for the 2006 season — Go Magpies!

## SPC Ardmona: Operation Share a Can

**Hon. W. A. LOVELL** (North Eastern) — On Saturday, 1 April, together with the Leader of The Nationals in the other place, Peter Ryan, and the member for Shepparton in the other place, Jeanette Powell, I had the pleasure of participating in the 10th annual SPC Ardmona Operation Share a Can day. SPC Ardmona's Operation Share a Can is Australia's single biggest food donation.

On Saturday around 400 volunteers gathered at SPC Ardmona's Shepparton factory to package 480 000 cans of fruit, pasta, tomatoes and baked beans into hampers and to produce a further 75 000 cans of baked beans. A special cheer went up from the volunteers as this year's event took on a special meaning when a B-double arrived at the factory to be loaded up with hampers and baked beans to be delivered to Innisfail to assist the victims of Cyclone Larry. The remaining hampers and baked beans will be distributed to needy Victorian families through VicRelief + Foodbank.

I would like to congratulate SPC Ardmona for its generosity — the hampers and baked beans produced on the day will provide in excess of 1500 meals a day over the next 12 months. I would also like to congratulate all the volunteers who so generously gave up their Saturday to help those less fortunate than themselves, and also the sponsors of the day who generously donate produce, packaging materials and transport to make this day such a success year after year.

## Industrial relations: WorkChoices

**Hon. J. G. HILTON** (Western Port) — Last week I made a 90-second statement about the new industrial relations (IR) regulations brought in by the federal government. I have no hesitation in returning to that issue this week. At the weekend the federal Minister for Employment and Workplace Relations said that some companies were possibly guilty of overstepping the mark. In one of the most outrageous examples of spin I have ever heard he then said this was the unions' fault. His reasoning was the unions have been so effective in raising awareness of the negative impacts of these IR changes that employers now believe they can get away with more than the federal government intended. That is absolute nonsense.

Companies and the federal government knew exactly what they were doing and the consequences. If you work for a company with fewer than 100 employees, you can be dismissed for no reason. If you work for a company with more than 100 employees, you can be dismissed for operational reasons, whatever they are. Companies will obviously use these regulations to their maximum benefit, and it is totally disingenuous for the federal government to think otherwise. Any crocodile tears shed over the welfare of many millions of hardworking Australians who now have no security for themselves or their families are absolute hypocrisy.

## Mawarra Hereford Stud

**Hon. P. R. HALL** (Gippsland) — Yesterday I had the honour of opening Mawarra Hereford Stud's 33rd annual sale. Mawarra is a stud farm located at Longford, near Sale, and is owned by the Sykes family — Robert and Helen, and Peter and Deanne and their children. There were around 50 bull calves on offer and 30 or so female lots. Lot 1 was a magnificent two-year-old beast weighing around 1000 kilograms, sired by Wynella Rockford out of Mawarra Princess, that went by the name Mawarra Radar. I mention this particular lot because the proceeds of lot 1 were donated by the Sykes family to the Gippsland Cancer Care Centre located at the Latrobe Regional Hospital. The mighty Radar sold under the hammer for $5000, and I can report to the house that the vendors and purchaser were delighted with the outcome.

I particularly want to commend the Sykes family for its most generous action in donating the proceeds of this sale to such a worthy cause. That the Sykes family and many others throughout Gippsland are contributing to the raising of something like $3.5 million from the local community to supplement the Gippsland Cancer Care Centre highlights the importance of this facility to the Gippsland community.

## Jewish Museum of Australia: Dreyfus exhibition

**Mr SCHEFFER** (Monash) — I was honoured to have been able to join Justice Michael Kirby, Justice Alan Goldberg, Mark Leibler and members of the Jewish community at the Jewish Museum of Australia's official opening of its new exhibition J'accuse! The Dreyfus Affair on Sunday, 26 March. The exhibition contains a wide range of original texts, including official documents, newspaper articles and illustrations, photographs, posters, a uniform and military ceremonial sword, that document the events concerning the unjust arrest, trial and imprisonment of Captain Alfred Dreyfus in 1890s Paris.

As everyone knows, the Dreyfus affair was a major scandal that involved the framing of Alfred Dreyfus for treason. The military hierarchy and men who held government and senior civil service posts conspired to cover up what was a serious miscarriage of justice. Some newspapers of the time helped whip up a frenzy of public distrust of Dreyfus because Dreyfus was Jewish.

In opening the exhibition Justice Kirby said that while the Dreyfus case speaks powerfully to the Jewish people everywhere, including Australia, it also speaks clearly of the wrongs done to Aboriginals, to Asian Australians, to Arab and Islamic Australians, to gays and other sexual minorities, to women, to the very old and young, to the mentally disabled, to prisoners and unconventional people. He said:

> Don't think these wrongs are over or that a full enlightenment has arrived in Australia or anywhere else. Dreyfus belongs to Jewish people. But he also belongs to all human beings.

I commend the Jewish Museum of Australia for bringing the exhibition to Australia and Dr Deborah Rechter, the curator — —

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

## Governor John Landy

**Hon. BILL FORWOOD** (Templestowe) — As honourable members are aware, this is the last week that Governor Landy will be the Governor of Victoria, and I want to put on record my thanks to him and his wife for the outstanding service they have given to Victoria. I have not yet had the opportunity of putting on the record my thanks to Governor Landy and his

wife for the contribution they have made in the time he has been the Governor.

It is never an easy task being the Governor of Victoria. There is a huge workload that goes with the position. I have been delighted to spend time with Governor and Mrs Landy in and around my electorate on many occasions, and I know the other member for Templestowe Province, Ms Argondizzo, has as well. He has always been most interested in the activities that have been taking place across the length and breadth of Victoria.

There is no doubt that John Landy has earned the respect and affection of virtually everybody he has come into contact with in his time as Governor. Along with everyone I know, I wish him great pleasure in his retirement, as he returns to the activities which I know he really enjoys, in particular his love of nature and the great Australian outdoors. I want to say finally thank you, Governor, for your contribution to Victoria in the years you have served as Governor.

## Geelong Football Club: achievements

**Hon. J. H. EREN** (Geelong) — Geelong is flying high at the moment following the recent night premiership win of the Cats and their fantastic start to the Australian Football League season, with a devastating 77-point thrashing of Brisbane last weekend. This is definitely the Year of the Cat, and I am calling it now. I predict that we will take out the premiership later in the year. Football is a large part of Geelong's cultural heritage. We are the only regional city in Australia with a national Australian Football League team. It is something we are extremely proud of and is why the Bracks government went to great lengths to support the wonderful redevelopment of Skilled Stadium last year.

But it is not only large-scale team sports that this government supports. We saw the wonderful Commonwealth Games take place over the past month, the exciting Melbourne grand prix was held last weekend, and the local footy and soccer seasons also kicked off, thanks in part to the help provided by the Bracks state Labor government through local sporting grants. All members will join me in wishing all the players, coaches, volunteers and spectators the best for the coming season. I know that each weekend I will be somewhere around my electorate watching great local sport.

## Bushfires: fuel reduction

**Hon. E. G. STONEY** (Central Highlands) — I quote from a statement by Rod Incoll, the former Victorian chief fire officer, entitled 'Alpine abandonment':

> On my first visit to the Howitt Plains in 1957 there were cattlemen, then road builders and loggers. In the 1970s I was a forester there and knew the country well. On a recent visit, I found the landscape empty and the tracks rough to impassable. There is no fuel reduction. The loggers and the cattlemen have gone. The plains have heavy growth, ready for a bushfire.
>
> Abandonment of the alpine area has brought infrequent hot bushfires in which trees, plants, soil, birds and animals are stripped away. This sort of management turns treasured land into wasteland.
>
> The Kurnai people and the graziers knew that conservation means a mosaic of fires. I learnt you could have a little bit of fire often or a lot now and then. In Forests Commission days it was possible to fuel reduce large areas safely so the limited good weather was effectively used. I believe this is now prohibited by restrictive prescriptions.
>
> Abandonment is neither protection nor conservation. Until the present overregulated burning prescriptions are revised, in line with past successful practices, and large-scale burning is carried out on a regular basis, infrequent, large, damaging fires will continue to blowtorch our public lands.
>
> Maybe most Victorians don't know or care — but I'm talking about one third of the area of the state.

Mr Incoll's statement goes on to talk about Western Australia and the Northern Territory, where widespread mosaic burning has been introduced to limit intense fire damage. It says a lot can be learnt from those two states and their experiences with fire.

## Solar energy: West Brunswick

**Ms ROMANES** (Melbourne) — This morning I attended a wonderful event, a 10th anniversary solar celebration at the home of Stuart McQuire and Wendy Orams in Murray Street, West Brunswick. Stuart and Wendy's Californian bungalow home was the first house in Victoria and the second in Australia to have grid-connected solar electricity. The origin of this was Project Aurora, an initiative of the electricity supply department of the former Brunswick council and was designed to promote the use of solar energy in the area.

Today Stuart and Wendy unveiled the result of their involvement in the project over the last 10 years. During that period they used only 15 128.4 kilowatts of the 20 560.3 kilowatts produced by their solar electricity system — the photovoltaic cells on their roof — so the surplus was fed back into the Victorian electricity grid. That is a marvellous result for one

home and cut greenhouse gases by 30 tonnes. It is a great reminder that while the federal government is cutting deals on uranium, it is virtually ignoring the greatest renewable energy source in the world.

### Hazardous waste: Nowingi

**Hon. B. W. BISHOP** (North Western) — I direct the attention of the house to the Bracks government's dismissal of the Mallee through its refusal to support the community's legal fight against the proposal to place a toxic waste dump in our food bowl — next to the Murray River and two national parks — and over 500 kilometres from Melbourne, where most of the waste is generated.

The Bracks government advised the Mildura Rural City Council that the community did not have to have legal representation at the environment effects statement panel hearings as all would be well. Then what did it do? It brought in a group of lawyers, expert witnesses and others the size of a football team — in fact more like two football teams — to bludgeon the community into submission by sheer weight of numbers and money. Let us be clear about where money is coming from. It is Victoria's taxpayers, including our own Mallee community, whose money is being used to beat them into submission while at the same time they are separately funding their own fight for survival. If the government will not assist with funding and is to maintain any credibility at all, it must now say, 'Let us be reasonable and accept the need to be fair and accountable by allowing the independent panel process to proceed without legal representatives'.

Why would the independent panel not hear straight-up submissions from presenters and make up its own mind rather than be party to specialist legal people making a mockery of the independent process?

## PETITION

### Liquor: Bendigo licence

**Hon. D. K. DRUM (North Western) presented petition from certain citizens of Victoria requesting that the Victorian government recognise that Happy Jack's store, Lockwood South, is located in the tourist area of the central goldfields of Victoria and should therefore be granted a liquor licence (597 signatures).**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2006.

Crown Land (Reserves) Act 1978 — Minister's order of 15 March 2006 giving approval for the granting of a lease at Queens Park Reserve (five papers).

Drinking Water Quality in Victoria — Report, 2004–05.

Government Superannuation Office — Report of the period ended 1 December 2005.

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

Ombudsman — Investigation into Parking Infringement Notices issued by Melbourne City Council, April 2006.

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

Bass Coast Planning Scheme — Amendment C56.

Bayside Planning Scheme — Amendment C48.

Colac Otway Planning Scheme — Amendment C26.

Frankston Planning Scheme — Amendment C33.

Greater Dandenong Planning Scheme — Amendment C62.

Knox Planning Scheme — Amendment C56.

Warrnambool Planning Scheme — Amendments C22 and C38.

Yarra Planning Scheme — Amendment C78.

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

Working with Children Act 2005 — 3 April 2006 *(Gazette No. G13, 30 March 2006).*

## PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL

*Second reading*

**Ordered that second-reading speech be incorporated on motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I move:

That the bill be now read a second time.

## Incorporated speech as follows:

This bill enshrines the Victorian government's commitment to protect and preserve a fair safety net of award conditions for the state's public sector workers in the face of the unprecedented attacks mounted by the federal government in its so-called WorkChoices legislation.

The bill has two key elements. First, it requires public sector employers to continue to adhere to the terms and conditions of their existing, pre-WorkChoices federal awards as a minimum safety net for their award-covered employees. Second, it establishes a fairness test for all workplace agreements that are entered into by public sector employers, again based on the award safety net as it existed before the commencement of the federal WorkChoices legislation. Importantly, that safety net will include as a minimum standard the outcome of the family provisions test case decision of the Australian Industrial Relations Commission handed down on 8 August 2005 where public sector awards have not already been varied by the commission to include the provisions.

The federal government's WorkChoices legislation will undermine current award conditions in a number of ways. Award allowable matters will effectively be reduced from 20 to 13, a new list of non-allowable matters will further reduce award conditions, new workplace agreements will operate to the exclusion of an underlying award and effectively render it redundant indefinitely, a new award review task force will rationalise award classification and salary structures and in all likelihood replace them with something akin to the Kennett government's industry sector minimum rates orders, and under transitional arrangements key awards covering some public sector workers (including the main public service award) will be completely phased out after five years as a result of the federal government's new legislation being based solely on the corporations power.

I have said before, these changes represent an attack not only on public sector employees but on working people generally and will seriously impact on work and family balance. The award safety net has been developed over many years by the independent umpire, the AIRC, and often with the consent of the industrial parties. Up until now, it had regularly been updated to reflect contemporary norms and parties were able to present arguments on the merits of changing award conditions and know that they would be given a fair hearing.

This has all changed, but the Victorian government as a fair employer will do what it can to limit the effects of this attack on our employees. The bill requires employers to continue to abide by the award safety net as it existed prior to WorkChoices for all employees who rely on awards for their terms and conditions of employment. The intention is to preserve the status quo as it existed prior to WorkChoices, so that where award conditions were modified or removed by existing agreements, that state of affairs will continue while those agreements continue to operate. But where an employer was bound to apply an award condition or entitlement, that obligation will continue despite the removal or reduction in the condition or entitlement as a result of the WorkChoices legislation.

The attack on workers' terms and conditions is even more vicious when one considers the implications of the elimination of the 'no disadvantage' test, a bulwark of the federal agreement-making system for more than 10 years. Until now workplace agreements have been tested against basic award safety net conditions to ensure that workers are not disadvantaged by the application of the new agreement compared with the award. Now, there is no test. New agreements are to be lodged with the Office of the Employment Advocate without necessarily being scrutinised for anything other than a prohibited matter, the inclusion of which, if resulting from a 'reckless' act, may cost an unfortunate employer a penalty of up to $33 000. The agreements come into operation even if the limited process requirements are not met.

We, as an employer, are not going to sit idly by and watch public sector awards being rendered meaningless, which appears to be part of the commonwealth government's grand plan. Not only will awards continue to be utilised by Victorian public sector employers in setting their employees' minimum terms and conditions but they will also be used to test whether new public sector workplace agreements are fair, in line with the federal no disadvantage test as it existed prior to WorkChoices. We are maintaining the status quo for our public sector employers. This bill will require that all proposed new agreements pass a fairness test, with the newly established workplace rights advocate to determine whether the test is met and determine relevant awards if necessary, based on the relevant preserved award entitlements — that is, entitlements in place immediately before the commencement of the so-called WorkChoices legislation, including the AIRC's family provisions test case and any relevant increases to pay rates awarded by the Australian Fair Pay Commission or the Australian Industrial Relations Commission. The workplace rights advocate will be bound by the rules of natural justice in exercising his or her functions, and under section 5(3) of the Workplace Rights Advocate Act 2005 can do all things necessary for the performance of his or her functions.

The Victorian government strives to be an exemplary employer and to attract the highest quality applicants to jobs in the public sector. We want our workplace agreements to be tested against award entitlements that, in the days of fairness and equity, were regarded as 'community standards' so that they deliver fair and reasonable pay rates and conditions of employment. We also want our employees to enjoy the flexibilities available from the family provisions test case outcome to enable our workers, in conjunction with their employers, to properly balance work and family responsibilities — for casuals to be able to have time off to tend to sick family members or to access bereavement leave without the risk of not being further engaged. We want our employees to have the right to request increased periods of parental leave or increased periods of simultaneous leave that provide the opportunity for the mother and father to spend more time at home together at a crucial stage of their lives. Public sector employees will have the right to request a return to work on a part-time basis until their child reaches school age and we want to ensure that there is proper communication between employers and employees whilst they are on parental leave. For reasons best known to themselves, the commonwealth government has neglected to include the AIRC's new model in its new minimum standards.

This legislation seeks to ensure that public sector employers maintain a decent standard of working conditions for their employees. It also ensures that agreements in the public sector cannot, on balance, undercut award conditions, as is the commonwealth's wont. It provides for an independent arbiter to ensure agreements do not disadvantage workers, and it

encapsulates the worthy family-friendly benefits resulting from the AIRC's family provisions test case.

A fair industrial relations system and fair pay and conditions for all workers continue to be a priority for the Bracks government.

I commend the bill to the house.

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

**Debate adjourned until next day.**

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

*Second reading*

**Ordered that second-reading speech be incorporated on motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The Bracks government is committed to protecting the health and welfare of Victoria's children and young people, who are among the most vulnerable members of our community.

In recent years a damaging practice of inhalant solvent abuse, sometimes referred to as 'chroming', has re-emerged among some young people.

While this practice is not restricted to young people, research has consistently found that abuse of volatile substances is concentrated among adolescents.

Victoria has been a national leader in initiatives to minimise the harm caused by the inhaling of volatile substances. In addition to legislation, the Victorian government has a comprehensive response to inhalant abuse which includes treatment services, guidelines for workers responding to inhalant abuse, a retailer's kit to promote responsible sale of solvents, community education materials including Koori-specific materials, and education materials for schools. Research regarding the modification of commonly abused inhalant products, with a view to deterring their abuse, is also being undertaken.

The primary purpose of this bill is to extend the provisions of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 for a further two years, and thereby continue to protect young people from the risks inherent in inhaling volatile substances.

The Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 came into operation on 1 July 2004. It amended the Drugs, Poisons and Controlled Substances Act 1981 by creating limited civil powers under which police can apprehend and detain persons under 18 years of age whom they reasonably suspect are abusing volatile substances or are at risk of doing so. Under the legislation, police are empowered to search persons and seize volatile substances and items used to inhale, and to link the young person with an appropriate caring adult, such as a parent, caregiver, health service or drug treatment service.

The legislation's sole purpose is to protect the health and welfare of children and young people. In exercising these powers, police officers take into account the best interests of the young person who is subject to those powers.

The act does not create an offence to possess or inhale a volatile substance and it is not the intention of the legislation to bring young people into the criminal justice system.

A very important part of the response to young people abusing inhalants is provided by health and welfare agencies. These agencies play a key role in supporting the police response to volatile substance abuse by young people. There is a range of options for police to access when exercising their powers under this legislation. These include the capacity to connect young people to their families or residential care service, to a hospital emergency department if required, or an appropriate drug and alcohol service for immediate respite and care.

Since the legislation does not criminalise volatile substance abuse, any detention of the person is not in a jail or police cell. The legislation also explicitly provides that police must not interview a person being detained in relation to known or alleged offences.

As soon as practicable after a young person is apprehended, police officers must release them into the care of a person whom the officer reasonably believes is capable of taking care of the person; and who consents to taking care of the person.

Under this legislation, Victoria Police have detained young people who have been found 'chroming' and have released them into the care of a parent, guardian, or staff of a health or welfare service such as a youth alcohol and drug service worker or an ambulance officer.

The Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 has a built-in sunset date of 30 June 2006. This was to enable a review of its effectiveness in preventing further harms to young people abusing these products.

This current bill before the house will extend the operation of the provisions of the legislation to 30 June 2008. This extension will enable young people to continue to be protected, while allowing further evaluation of the effectiveness of the legislation. Following this evaluation, a decision about its future in the longer term can be made.

The legislation is currently being monitored and is under review.

Data on the use of the legislation and outcomes for young people is being collected via Victoria Police, child protection, alcohol and drug agencies, and relevant services.

The data to date suggests that the use of the legislation has been effective in responding to and protecting the health of

young people found 'chroming'. Police are using their powers as prescribed under the legislation. Many young people engaging in dangerous inhaling behaviour have been prevented from inflicting further harm on themselves, and Victoria Police have connected young people to their families, caregivers, health services and drug treatment services.

However, the data is limited, and is insufficient to draw definite conclusions. More time is required to determine the effectiveness of the legislation, its impact on young people who abuse volatile substances and the outcomes for these young people in the longer term.

The extension to this legislation for a further two years will allow the review to be completed and recommendations made about ongoing legislation and whether amendments will be required in the future.

A Volatile Substances Abuse Protocols Advisory Committee has been overseeing the review. This committee has wide representation from relevant government departments and external stakeholders, including non-government agencies. These include representatives from Victoria Police, the Department of Justice, child protection services, youth residential care services, youth outreach services, indigenous organisations and community legal services.

This bill enables Victoria Police to continue to remove potentially dangerous substances and materials from the hands of young people who abuse them and to connect young people with appropriate services.

It represents an appropriate balance between the right to possess legal substances and the need to protect vulnerable young people from harming themselves.

This bill is a positive initiative in promoting the health and wellbeing of young people in the state of Victoria. It focuses on substance abuse prevention and on providing supportive interventions to redirect vulnerable young people away from such harmful activities.

I commend the bill to the house.

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

**Debate adjourned until next day.**

## DISABILITY BILL

*Second reading*

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I move:

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

At the conclusion of the second-reading debate the bill will be referred to the Legislation Committee, which will be the first time the house will have the opportunity to refer such a bill under the standing and sessional orders of the chamber, to allow for additional scrutiny of the bill which otherwise may have been dealt with through the committee stage. It is the government's intention that a fulsome consideration of the bill be undertaken during the Legislation Committee process.

**Motion agreed to.**

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

International human rights standards and the increasing promotion and protection of the human rights of people with a disability has resulted in significant changes in the understanding of disability. In the past, people with a disability were often regarded as passive recipients of welfare services. This led in some instances to the exclusion of people with a disability from many of the activities of mainstream society and was reflected in the establishment of segregated settings such as institutions. There has been increasing recognition that strengthening the protection of human rights plays an important role in minimising the impact of disability.

People with a disability have the right to enjoy the range of civil, cultural, economic, political and social rights available to all Victorians. This right means people also have responsibilities, and people with a disability should be supported to exercise these responsibilities.

The development of the Disability Bill has involved extensive consultation with people with a disability, parents, families, carers, disability service providers, peak bodies, advocacy groups, lawyers and legal centres, unions and other government departments and statutory authorities. The development of the Disability Bill has also been undertaken over a number of phases.

Phase 1 began with the release of a discussion paper in May 2003 titled *Review of Disability Legislation in Victoria* and was followed by three months of consultation involving close to 1200 individuals and organisations.

The development of recommendations and the release of the *Review of Disability Legislation — Report of Recommendations* in October 2004 formed a part of phase 2. A consultation period that followed gave individuals and organisations a further opportunity to provide feedback on the recommendations. More than 500 people participated in focus groups held across Victoria, and 80 organisations submitted comments during the consultation period.

Phase 3 has involved preparing the Disability Bill to introduce into Parliament. The government agreed to release the exposure draft of the Disability Bill in November 2005 to communicate the changes that had been made since the report of recommendations and in acknowledgment of the complexity and diversity of matters covered in the bill. Seventy-seven submissions were received from individuals and organisations.

The Disability Bill has been developed within a broader government policy agenda, ensuring that all Victorians have the opportunity to realise their human rights and their full potential through:

1. the social policy action plan A Fairer Victoria, released in April 2005, which provides a framework to guide the government's approach to addressing the causes and consequences of disadvantage and to support people to realise their full potential;

2. the Growing Victoria Together — A Vision for Victoria to 2010 and Beyond policy released in March 2005, which expresses the importance of protecting rights, building cohesive communities and reducing inequalities;

3. the Attorney-General's justice statement released in 2004, which identifies the need to ensure that human rights and values are protected and that issues of inequality and disadvantage are demonstrably addressed by the justice system:

> Human rights are essential to human dignity, freedom and tolerance, and are a vital prerequisite for a free and democratic society. They represent the fundamental protections afforded to all members of a society and are a statement of value that is attached to our common humanity.

**The state disability plan 2002–2012**

In 1999, as part of our community services policy, we announced our intention to develop a state disability plan. In 2002, following extensive consultation with the Victorian community, the *Victorian State Disability Plan 2002–2012* was released.

The state disability plan outlines our vision for the future, a future in which Victoria will be a stronger and more inclusive community — a place where diversity is embraced and celebrated and where people with a disability have the same opportunities to participate in the life of the community and the same responsibilities towards society as all other citizens of Victoria.

The plan provides a new attitude to disability based on principles of human rights and social justice, and a whole-of-government, whole-of-community approach. In doing so we recognise that services for people with a disability extend across all aspects of living, including housing, transport, education, employment, income, support and recreation.

As part of the release of the state disability plan, we announced our intention to review the legislation for disability in Victoria. Our 2002 election policy — Access, Support and Participation — reaffirmed this commitment to develop a legislative framework that includes principles and objectives that are sound and meaningful, mechanisms to monitor services, and mechanisms to protect the rights of people with a disability in Victoria.

Legislation is important for many reasons. It provides the framework for a just and civil society. It incorporates the values that are important to that society, and changes to legislation over time are equally important because they recognise and reflect social change.

The current legislation, the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991, provide for the planning, funding and delivery of supports and services to people with a disability.

These acts, and particularly the Intellectually Disabled Persons' Services Act, were landmarks in recognising the rights of people with a disability in Victoria.

However, these acts were both introduced more than a decade ago. Since that time, there have been many changes and advances in a number of areas. Some of these include changes in community attitudes and expectations, changes to the delivery of supports and services; and the growth of a commitment to ensuring that people with a disability can exercise their rights and responsibilities as citizens.

All of these changes have placed greater demands on the existing legislation.

In addition, each of these acts has a very different approach. Over time these different approaches have made the administration of the two acts more difficult, and have sometimes created confusion and inconsistency in their application.

As a result, the current legislation does not support service delivery as we know it today and will not sustain the range of flexible supports that are envisaged for the future.

The review of the current disability legislation has been conducted over a three-year period to ensure that the interests and concerns of people with a disability, their families, carers, advocates, disability service providers and the broader community could be heard and considered.

The disability sector is diverse, and expectations regarding the Disability Bill differ across different disability groups. We have listened to what people have said, and the bill reflects a balanced and considered view of the feedback received. Some matters that people raised throughout the review are not addressed in detail in the Disability Bill. Many of the matters raised during the consultation process were of a technical or operational nature. Other instruments, such as regulations, policies and guidelines, are more appropriate to deal with these matters and will complement the Disability Bill.

The Disability Bill aims to develop a future legislative framework that will:

> support the principles and objectives of the state disability plan;
>
> support the development of a strong and stable disability sector that is sustainable into the future;
>
> provide a more integrated approach to disability; and
>
> provide a fairer and more equitable system of supports for people with a disability.

The bill also aims to strengthen the rights of all people with a disability. In doing so, we will ensure that the achievements and progress made in the last decade are not lost, but built upon.

In order to ensure a successful transition to the new legislation, the act will commence on 1 July 2007 or an earlier date to be proclaimed. This is because the changes required to implement the new legislation are substantial. The supporting documentation regarding technical and operational matters, establishment of the disability services commissioner and senior practitioner, information and education for people with

a disability, their families and carers, and disability providers will require a considerable implementation time.

The intent of the Disability Bill is to enact a new legislative scheme for people with a disability, repeal the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991 and make consequential amendments to other acts. The purpose of the Disability Bill is through legislation to reaffirm and strengthen the rights and responsibilities of people with a disability and recognise that this requires support across the government sector and within the community.

The key areas of the Disability Bill, which will be discussed in more detail, are the provision of:

clear statements of objectives and principles to underpin the way that disability services and supports are provided for people with a disability;

a stronger framework for ensuring the support of people with a disability is recognised across government and the community;

a fairer system for access to disability services and supports;

a system of planning that recognises the individuality of the person;

better structures for ensuring the quality and accountability of disability services;

an improved system for dealing with complaints about disability service providers;

better protection of the rights of people with a disability who are accessing disability services;

a system for regulating restrictive interventions and compulsory treatment.

**Clear statements of objectives and principles to underpin the way that disability services and supports are provided for people with a disability**

These objectives and principles emphasise both our commitment to a whole-of-government, whole-of-community approach for people with a disability, and our commitment to providing quality services through the disability services program.

In relation to a whole-of-government, whole-of-community approach for people with a disability, the objectives of the act include advancing the inclusion and participation of people with a disability in the community, and promoting a strategic whole-of-government approach in supporting the needs and aspirations of people with a disability.

The principles reinforce our belief that people with a disability have the same rights and responsibilities as other members of the community and should be empowered to exercise these rights and responsibilities.

People with a disability have the same right as other members of the community to:

respect for their human worth and dignity as individuals;

live free from abuse, neglect or exploitation;

realise their individual capacity for physical, social, emotional and intellectual development;

exercise control over their own lives;

participate actively in the decisions that affect their lives and have information and be supported, where necessary, to enable this to occur;

access information and communicate in a manner appropriate to their communication and cultural needs;

services which support their quality of life.

In addition to these broader objectives and principles the Disability Bill also outlines our commitment to a quality disability service system. The objectives outline a requirement to facilitate the planning, funding and provision of services, support the provision of high-quality services, promote and protect the rights of people accessing disability services, make disability service providers accountable, and ensure the efficient and effective use of public funds.

The commitment to a quality disability service system is also underpinned by principles specific to disability service providers. These principles specify that disability services should:

advance the inclusion and participation in the community of people with a disability, with the aim of achieving their individual aspirations;

be flexible and responsive to the individual needs of people with a disability;

maximise the choice and independence of people with a disability;

be designed and provided in a manner that recognises different models of practice may be required to assist people with different types of disability and at different stages of their lives to realise their physical, social, emotional and intellectual capacities;

enable people with a disability to access services as part of their local community and foster collaboration, coordination and integration with other local services;

as far as possible, be provided in a manner so that a person with a disability need not move out of his or her local community to access the disability services required;

be of high quality and provided by appropriately skilled and experienced staff who have opportunities for ongoing training and development;

consider and respect the role of families and other people who are significant in the life of the person with a disability;

have regard for the needs of children with a disability and preserve and promote relationships between the child, their family and persons significant to the child;

be provided in a manner that respects the privacy and dignity of people accessing disability services;

be provided in a way which reasonably balances safety with the right of people with a disability to choose to participate in activities involving a degree of risk;

have regard for any potential increased disadvantage which may be experienced by people with a disability as a result of their gender, language, cultural or indigenous background or location;

be designed and administered in a manner so as to ensure that people with a disability have access to advocacy support where necessary to enable adequate decision making about the services they receive;

be accountable for the quality of those services and for the extent to which the rights of people with a disability are promoted and protected by the provision of those services;

if a restriction on the rights or opportunities of a person with a disability is necessary, the option chosen should be the option which is the least restrictive of the person as is possible in the circumstances.

The Disability Bill also outlines some principles specific to people with an intellectual disability. These principles specify that disability service providers should remember that people with an intellectual disability:

are able to develop skills and have the right to develop these skills through supports that meet their individual needs and choices

should not be controlled by service providers, and

should be supported to move from institutions to community-based living situations.

**A stronger framework for ensuring the support of people with a disability is recognised across government and the community**

This government has outlined a comprehensive approach for enhancing the community inclusion of people with a disability through the policy documents discussed earlier. The Disability Bill supports this approach by setting out ways for people with a disability to participate in some key areas of decision making and policy development.

***Decision making***

By prescribing the establishment of the Victorian Disability Advisory Council in the bill we enshrine the rights of people with a disability to participate in all levels of decision making. The Victorian Disability Advisory Council provides a direct means of raising the issues that matter to people with a disability with the Minister for Community Services on whole-of-government policy issues.

The bill ensures that the council is broadly representative by specifying that people appointed reflect the diversity of people with a disability and have appropriate knowledge and experience in matters relevant to people with a disability.

The bill outlines the key functions of the council as:

providing advice to the Minister for Community Services on issues such as whole-of-government policy and planning for people with a disability;

raising community awareness of the rights of people with a disability; and

monitoring strategies to increase the inclusion and participation of people with a disability in the community.

***Role of government***

The Disability Bill prescribes the leadership role of government in making itself and its services accessible to all members of the community. Disability action plans are used by government authorities to plan for changes to address barriers for people with a disability in accessing public services. A disability action plan enables an organisation to:

benefit from the expertise, knowledge and commitment of people with a disability as they gain increased opportunities for employment and participation in decision-making;

ensure that information, infrastructure and services are as accessible for people with a disability, their families and carers, as they are to anyone in the community.

We have already stated a commitment to the development of disability action plans in the 10 Victorian state government departments. The development of these action plans is now substantially completed, and most departments are now moving into implementation of these plans.

A number of other government bodies too have developed action plans and committed themselves to eliminating discrimination against people with a disability in critical areas of community life, including in the arts and electoral processes. However, by including disability action plans in the bill in this way, we are providing a clear mechanism to keep public services accountable to the community.

In relation to local government, the bill recognises the requirement for flexibility for local government and that work is currently under way to reduce the number and complexity of state planning requirements on local governments, as outlined in A Fairer Victoria. However, the bill recognises the importance of access to local services for people with a disability. The bill specifies that if a local government does not develop a disability action plan, the components required for a disability action plan must be addressed in the council plan provided under the Local Government Act 1989.

**A fairer system for access to disability services and supports**

The Disability Bill provides clarity regarding the target group for disability services and supports, and confirms the future directions for providing disability services for people with a disability in Victoria.

The bill defines 'disability' as —

(a) A sensory, physical or neurological impairment or acquired brain injury or any combination thereof, which —

(i) is, or is likely to be, permanent; and

(ii) causes a substantially reduced capacity in at least one of the areas of self-care,

self-management, mobility or communication; and

(iii) requires significant ongoing or long-term episodic support; and

(iv) is not related to ageing; or

(b) an intellectual disability; or

(c) a developmental delay.

The definition of 'disability' in the bill is consistent with the target group for the state disability plan 2002–2012 and the requirements of the commonwealth-state territory disability agreement (CSTDA). The target group is also consistent with the target group used Australia wide.

Importantly, the bill provides recognition of people with a neurological impairment or acquired brain injury who receive services funded through disability services but have not had the same legislative rights as people with other types of disability.

The inclusion of 'psychiatric impairment' in the current Disability Services Act has created confusion, as in Victoria these people receive services through mental health services rather than disability services. To provide clarity, people with a psychiatric impairment are no longer included in the target group in the Disability Bill. However, people with a psychiatric impairment may continue to access disability services where they also have an intellectual, physical or sensory disability, neurological impairment or an acquired brain injury.

There has been some feedback during the consultation processes that autism should be included in the target group for disability services. A study undertaken by Latrobe University in 2003 titled *Autism in Victoria — An Investigation of Prevalence and Service Delivery for Children Aged 0–6 Years* indicated that approximately 75 per cent of children diagnosed with autism have an intellectual disability and could access disability services. The definitions within the Disability Bill enable people with a range of functional impairments to access disability services, but not all.

However, we recognise there is a need to undertake further work across government in this area to develop appropriate supports and interventions for people with autism and ensure that government as a whole has a better capacity to respond to people with autism.

The bill provides for a streamlined system to determine whether a person has a disability, rather than the current system, which is complex and based on disability type. The provisions in the bill reflect current practice but create greater flexibility and accountability.

Under the current system people with an intellectual disability are required, under the Intellectually Disabled Persons' Services Act, to be assessed as having an intellectual disability by the Department of Human Services in order to register for access to disability services. Where a person with an intellectual disability has had previous assessments, for example, through a school, the department is still required to assess the person to register for access to services. The bill will enable that where a person's intellectual disability has already been determined it is unnecessary for the individual to undergo additional assessment and for the Department of Human Services to direct time and resources towards the reassessment process.

People who are found 'ineligible' for services can appeal to the intellectual disability review panel, who can then make a recommendation to the secretary.

Currently people with a disability other than an intellectual disability are also required, by policy, to establish they have a disability under the Disability Services Act in order to register for access to disability services. In this case however, a letter from a school, doctor or service provider is in many cases sufficient for the department to establish that the person has a disability. There is no external appeal mechanism regarding this decision.

Under the Disability Bill the same system for deciding that a person has a disability and can register for disability services will be used regardless of the type of disability a person has.

A person or a person on their behalf can request access to disability services and supports from any disability service provider. Where the disability service provider is satisfied the individual has a disability, the request may be agreed to without the need for an additional assessment.

If the request is denied, the disability service provider must notify the person making the request within 14 days. Where the request is denied because the disability service provider does not believe the person has a disability (as defined by the bill), the person may appeal to the secretary and subsequently to the Victorian Civil and Administrative Tribunal. VCAT may uphold the decision of the secretary or make a new decision that is binding on the secretary. This external review creates a greater level of transparency and scrutiny regarding the fundamental issue of whether a person is in the target group for access to disability services than is currently available to people.

The bill, while streamlining access to the system, also reflects current practice arrangements where people, particularly people with a disability other than an intellectual disability, often seek assistance directly from disability service providers.

The bill will establish a framework for access to disability services that will:

ensure a system that is simple and consistent for all people regardless of their disability type;

reduce multiple assessments for people whose intellectual disability has already been determined;

reflect current practice and streamline the process to register for access to disability services by involving disability service providers at an early stage;

ensure the Department of Human Services remains ultimately responsible for ensuring only people with a disability (as defined under the bill) are registered for access to disability services.

The framework for access will also ensure that resources are not directed to undertaking unnecessary assessments, which are often stressful for a person, where a person clearly has a disability. Only when there is some uncertainty will further

assessment be undertaken to determine if they have a disability as defined in the act.

The bill also increases transparency regarding the process for prioritising access to disability services and requires that criteria for priority of access must be fair and publicly available. This is an important step in increasing accountability for decision making regarding access to disability services.

**A system of planning that recognises the individuality of the person**

In a similar manner to the provisions regarding access the Disability Bill provides a framework for a system of planning which allows a more flexible and individually tailored response while providing consistent requirements that are not dependent on disability type.

Planning in the bill is consistent with the principles and objectives of the Victorian state disability plan 2002–2012, specifically:

dignity and self-determination;

pursuing individual lifestyles; and

reorienting disability supports.

Individual planning is an important way of identifying what a person needs and how those needs are to be met. Planning reflects the person's membership of their community and draws on a range of supports to assist the person to meet their goals and aspirations.

Planning in the bill encompasses a range of responses from a brief discussion and agreement about actions required, through to an extensive process and the development of a plan across a whole range of life areas, documented in a format that is meaningful to the person and their network. Planning should consider community-based and informal supports as well as any specific disability services which may be required.

The planning provisions in the bill will be underpinned by the Department of Human Services policy framework of individualised planning and support which is about self-determination, community membership and citizenship and includes a focus on people with a disability directing the planning process to the greatest extent possible.

This approach to individualised planning is consistent with international movements towards planning based on individual goals and needs rather than a prescriptive 'one-size-fits-all' approach.

The bill includes planning principles which outline the individualised nature of planning, the role of the individual in directing that planning, and the right of the individual to exercise control over their own life including exercising maximum choice, which ensures the bill places Victoria alongside national and international movements towards self-determination.

Currently, the Intellectually Disabled Persons' Services Act specifies that people with an intellectual disability, regardless of their individual needs and circumstances, are required to undergo a general planning process to develop a general service plan (GSP). This plan is completed by the Department of Human Services (DHS) and must be reviewed once in every five years. Where a person with an intellectual disability is receiving a disability service, an individual program plan (IPP) must also be developed. There are no legislative requirements for planning for people with a disability other than an intellectual disability, although these people may have support plans established when accessing a specific service.

Many people have told us that they often did not want or need a GSP or that the requirements in relation to planning did not meet their needs. The new approach to planning means that disability service providers can target time and effort to those people who want assistance with planning and also ensure that planning happens in a way that is meaningful to the person.

Under the bill, a person regardless of their disability, can request assistance with planning from a disability service provider. The disability service provider must provide, or arrange for the assistance to be provided within a reasonable time frame.

As a safeguard to ensure that people with an intellectual disability can understand their right to assistance with planning, where a person with an intellectual disability requests a service from a disability service provider, they must be offered assistance with planning.

Assistance with planning in both of the above circumstances is designed to be individually tailored and responsive to the person. Rather than prescribing how and when planning should occur, the general planning principles contained in the act provide the basis for planning with people.

Assistance with planning will focus on the goals, needs and aspirations of people and consider a range of responses such as community services, informal support and disability services to meet those goals, needs and aspirations. Assistance with planning may or may not result in the development of a plan and is dependent on the individual needs of the person.

Where planning results in a person accessing ongoing disability services, the bill specifies that the disability service provider must, within 60 days of their commencement, develop a support plan. The support plan can be reviewed at any time (via request from the person or the disability service provider), however, no less than once in every three-year period.

Where a person with an intellectual disability is residing in an institution, their support plan must be reviewed every 12 months.

A support plan should form the basis of how the specific service or support will be provided to the person and the plan should again occur within the individualised planning and support framework. The disability service provider has responsibility for the delivery of the service to the individual. While the Department of Human Services, as the funding body, retains responsibility for the delivery of quality services, the disability service provider is best placed to work with the person in the development of the support plan and this reflects current practice.

Planning in the bill will provide a consistent framework that can be tailored to the needs of each individual. Rather than a prescriptive format, people with a disability can be assured

that planning will take place as they request or require it, rather than imposed on them when they may not need or want it, and be flexible and responsive to their individual needs and circumstances.

The responsibility for planning will be shared between the department and other disability service providers which reflects what currently takes place in practice for most people with a disability. The department as the funder of disability service providers still retains ultimate responsibility for planning for people with a disability, however, recognises, through the bill, that sometimes, disability service providers working directly with people with a disability may be best placed to support them with planning.

**Better structures for ensuring the quality and accountability of disability services**

The Disability Bill provides for enhanced mechanisms to ensure the quality and accountability of disability services. These mechanisms include provisions regarding:

registration of disability service providers;

standards and monitoring of performance;

provision of information to service users;

management of money; and

strengthening the work force.

***Registration of disability service providers***

As part of the framework for ensuring quality and accountability, service providers funded to provide disability services will be required to register under the bill. The registration process ensures that the accountability mechanisms in relation to the senior practitioner, disability services commissioner, provision of information, management of money requirements, standards and monitoring, and restrictive interventions apply to the provision of disability services under the legislation.

The secretary has been provided with the power through the registration provisions to impose any conditions or restrictions that the secretary considers appropriate on the registration of a disability support provider.

Registration of a provider is effective for a period of three years and a provider may apply for renewal of their registration after that period. The secretary has the power to revoke a provider's registration and the revocation of a provider's registration is a reviewable decision by the Victorian Civil and Administrative Tribunal.

***Standards and monitoring performance***

Standards and performance measures are a component of the work that is being undertaken in relation to improving the quality of disability services. Quality is about continual improvement. It is also about ensuring that supports and services are responsive to the needs and expectations of people with a disability, as service users.

As previously highlighted, there were some matters that people raised as part of the legislative review that are not addressed in detail in the Disability Bill. One such area was the administration of medication. The government considers the administration of medication a very important operational matter, which is more appropriately addressed in policy development and practice guidelines that take into account the Drugs, Poisons and Controlled Substances Act 1981. However, the bill provides a framework for establishing monitoring and accountability mechanisms in relation to standards, to address important policy matters, such as the administration of medication.

The bill provides that the Minister for Community Services must determine standards to be met by disability service providers providing services under the Disability Act. The bill specifies that these standards may include standards regarding support plans and complaint management.

The secretary must specify performance measures to meet these standards and may monitor service providers for compliance with the relevant performance measures. Monitoring for compliance against the standards will occur through both annual organisational quality reporting and independent quality monitoring. Independent quality monitoring will objectively verify the quality of support provision and will involve the participation of people with a disability, their family members and carers in all aspects of the process.

The bill provides for actions and consequences to be implemented to ensure that disability service providers comply with the standards. This will make both Department of Human Services and funded non-government disability service providers more accountable to government and people with a disability, their family members and carers.

***Provision of information to service users***

The provision of accessible information to people about the support they are accessing and their rights under the bill is a key way of ensuring that disability service providers are accountable to people with a disability.

The Disability Bill requires disability service providers to provide information to people with a disability which is relevant to the service they are providing. This information includes how services are delivered, including any cost, any conditions under which support is to be provided, the procedures for making a complaint, and information regarding a person's rights under the bill.

The bill requires that this information and other statements and notices that are required to be provided to people with a disability under the bill are in a format that is accessible and most likely to assist the person's understanding. The bill specifies that wherever possible, information should be provided orally as well as in writing. However, the bill also acknowledges that some people with a disability may still not be able to understand the information provided. In these instances, the bill provides for information to be given to a family member, guardian, advocate or other person chosen by the person with a disability.

***Managing money***

The bill will specifically forbid disability service providers from managing the financial affairs of people with a disability for whom they are providing support. 'Managing financial affairs' in the context of the bill means controlling a person's personal bank account or making decisions on how the person's money should be spent. If a person with a disability is not able to manage their own financial affairs, they should

be supported to obtain the services of an independent financial administrator.

The bill will also ensure that where disability service providers providing residential services hold money on behalf of people with a disability or handle that money, they have a system in place that records transactions, both receipts and expenditure, and can produce a statement of these transactions on a monthly basis. The bill will continue the operation of the Residential Trust Fund from the Intellectually Disabled Persons' Services Act to enable the secretary to hold money in trust in her role as a disability service provider when providing residential services.

***Strengthening the work force***

A strong and stable work force — across both government and non-government sectors — is crucial to improving quality outcomes for people with a disability.

If we are to support people with a disability to achieve their goals and aspirations, then we need to strive for a disability sector that gives priority to staff training and development and that continues to develop a culture of valuing staff and providing opportunities for their development.

The bill provides recognition of the importance of training and development by a principle which emphasises that staff have opportunities for ongoing learning and development. The bill also provides that the secretary should promote the establishment of appropriate training courses for staff providing services to people with a disability.

In addition, the bill also specifies that the secretary can impose requirements with respect to staffing and qualifications as a condition of registration as a disability services provider.

The provisions of the bill reinforce the progress we have made in staff training and development. These include implementing competency-based learning and development across the government and non-government sectors. We are also developing relationships with universities and training providers to align training with the needs of the work force.

In addition, we are developing an industry plan for provision of support to people with a disability. The industry plan will address a range of areas including:

> continuing the development of an industry-wide work force plan;
>
> models and practices to support staff in implementing flexible approaches to service delivery;
>
> industry-wide standards and mechanisms to promote continuous quality improvement.

All of these strategies will combine to ensure that people with a disability are able to access high-quality supports through disability services.

**An improved system for dealing with complaints about disability services**

Another key component to enhance the quality of disability services is an improved complaints-handling process. People with a disability or their representatives have the right to make a complaint and to have the complaint handled quickly, fairly and confidentially, without fear of losing the service.

The bill requires all government and funded non-government disability service providers to have clear, accessible and well-documented internal complaints management and resolution processes. These processes will be aligned with the Australian standard on complaints handling and will require disability service providers to:

> develop and document an internal process for managing complaints; and
>
> provide information about the complaints process to service users in a format which meets their communication needs and is accessible, relevant and assists understanding.

We recognise, however, that sometimes people do not feel comfortable complaining to their disability service provider or a complaint has not been resolved or the person is unhappy with the way a complaint has been handled.

In recognition of this, the bill includes the establishment of Victoria's first disability services commissioner to review and conciliate complaints and monitor outcomes to ensure the best quality disability services.

The disability services commissioner will be established as an independent statutory body which reports annually to Parliament pursuant to the Financial Management Act 1994.

The establishment of the commissioner is a major reform in the provision of disability services and means that people with a disability will have the right of complaint to an independent body, as currently exists within health services through the health services commissioner.

The bill outlines the disability services commissioner's roles and functions, which are closely modelled on the roles and functions of the health services commissioner. The commissioner will have a broad range of powers, including the power to investigate, conciliate and review complaints and monitor outcomes of any recommendations made.

A key difference, however, from the health services commissioner is that the disability services commissioner has the capacity to address complaints made by any complainant, not just the person who is receiving the service. This recognises that some people with a disability may have difficulty in exercising their right to lodge a complaint with the disability services commissioner.

The model of conciliation and investigation used by the disability services commissioner is the most appropriate to the provision of disability services. The commissioner is able to look into complaints about any aspect of the provision of disability services, and this will include the review of support plans similar to the current review process by the intellectual disability review panel.

The bill also specifies that disability service providers must report annually to the disability services commissioner on the number of complaints they have received and how these complaints have been resolved.

The bill also establishes a Disability Services Board as a new authority to advise the minister on the disability complaints system and the operation of the disability services

commissioner, as well as directly advise the commissioner on matters referred to them. The board will consist of 11 members appointed by the minister and will include representation of people who are able to express the interests of disability services providers and disability services users or who have expertise in matters that would benefit the board. One member will be a representative of the health services commissioner and one member will represent the secretary. At least one member of the board must have the experience and capacity to represent the interests of children with a disability.

The establishment of the Disability Services Board will further strengthen the role of the disability services commissioner by providing expertise to assist the work of the commissioner.

The development of this independent system for dealing with complaints is a major reform for disability services which has been strongly supported by stakeholders and will lead to enhanced outcomes and better quality services for people with a disability.

**Better protection of the rights of people with a disability who are accessing disability services**

In addition to the provisions already discussed, the bill provides better protection of the rights of people with a disability through:

residential rights;

strengthening provisions regarding community visitors;

expanding privacy provisions to cover all people with a disability accessing disability services; and

allowing for review of certain decisions by VCAT.

***Residential rights***

Disability service providers provide a range of supported residential services to people with a disability. This includes community residential units, respite houses, transitional and emergency accommodation, and residential institutions. People who reside in disability services accommodation are not subject to residential rights under the Residential Tenancies Act 1997.

Some stakeholders have commented that community residential units should be included in the Residential Tenancies Act, with similar provisions to those for rooming houses. These stakeholders have acknowledged that there are unique issues associated with community residential units which would require the development of significant underpinning policy.

The key issue is that unlike a normal tenancy, where entry is based on an arrangement between a landlord and prospective tenant, entry to a community residential unit is part of a statewide vacancy coordination system managed by the Department of Human Services. This system, which covers residential services both funded and directly provided by the department, is based on matching people with a disability to the supports provided in a particular community residential unit.

Unlike an owner/landlord, the disability service provider is on site at all times in which residents are at home, due to the support the person requires. In many circumstances the disability services provider is also not the owner of the property.

In working through the various complex issues, we came to the view that the provisions under the Residential Tenancies Act are not suitable for the majority of people living in community residential units, and in fact would potentially make some people more vulnerable to eviction.

In addition, we believe that having key provisions determined by policy direction would provide less certainty for residents than if they were prescribed in legislation. As such, residential rights have been included in the bill.

By including residency rights in the bill, the role that the disability service provider plays in nomination to vacancies and in daily affairs of the residence can be appropriately recognised and, where necessary, prescribed or regulated.

By including residential rights in the bill, we are also able to strengthen rights for all people residing in disability services residential services, as all residential services, with the exception of residential treatment facilities, will be subject to some common provisions.

These include:

the right to receive a residential statement;

clarity about roles and responsibilities of the resident and the disability service provider; and

prescription about the circumstances and manner of entry to a resident's room.

In addition to these common provisions, the bill will ensure that people living in community residential units have residency rights similar to those enjoyed by other members of the community who live in rental property, while acknowledging the role of the disability support provider. This will include the capacity for disability service providers to:

ensure that staff and residents respect the privacy and dignity of their fellow residents;

determine the residential charge payable for the provision of housing and support;

deal with damage or other behavioural issues that might affect a person's tenure;

balance the need to respond to one resident's issues while maintaining duty-of-care responsibilities to other residents;

make decisions about whether a person's support needs can continue to be met within a particular community residential unit;

communicate to the owner the need for repairs or maintenance;

ensure all residents have appropriate access to their room and shared facilities.

In addition, disability service providers must ensure that residents receive clear information about any fees or charges

they are required to pay and what they receive in receipt of this payment.

Placing residential rights in the bill removes the capacity for owners to require payment of a bond and acknowledges that significant numbers of residents of community residential units are not able to enter into an agreement or understand the consequences of their actions.

The bill replaces an agreement with the requirement for disability service providers to issue a residential statement that describes the rights and responsibilities of both parties and details the service and supports that will be provided.

The bill will ensure that some specific matters related to the residency of a community residential unit can appropriately be taken directly to the Victorian Civil and Administrative Tribunal. These matters relate to increases in fees or charges and the issuing of notices to vacate.

The Residential Tenancies Act provides for a notice to vacate to be issued in certain circumstances. However, this act does not have a mechanism to recognise that many situations that may meet the criteria for a notice to vacate are disability-related issues that the disability service provider has responsibility to address.

Locating residential rights within the bill has allowed us to include provisions that can recognise that people may be in breach of their residency, due to disability-related issues. As such, we have included a notice of temporary relocation to allow time for planning or behavioural intervention to occur prior to a person being issued with a notice to vacate. This is to ensure that, if the issue cannot be resolved within the residence, the disability service provider can temporarily relocate a person to allow the time and capacity to review the circumstances and introduce necessary measures where possible, that will enable the person to return in safety.

The bill also provides that with the issuing of a notice of temporary relocation or a notice to vacate, a disability service provider must notify both the Public Advocate and the Secretary of the Department of Human Services. This process is to ensure some external accountability and protection of rights.

In addition, residents will be provided with greater access to dispute resolution in relation to matters that are, more often than not, related to their support rather than their residency. The avenue to have these matters addressed is through the disability services commissioner who will be uniquely placed to provide expertise in conciliation in relation to matters of support provision.

By including residential rights in the bill, we have created a strong balance between protecting these rights and ensuring that support can be provided within community residential units.

***Residential institutions***

As mentioned, the bill outlines some common residential provisions that will also apply to residential institutions. The bill also specifies that people who reside in residential institutions have the right to a high quality of care and development opportunities while they continue to reside in the residential institution.

The bill also specifies that for people residing in residential institutions services should be provided to maximise opportunities to live in a community-based residential service.

In line with our intent for people to reside in the community with the appropriate support, the bill specifies that admission to an institution is a decision which is reviewable by the Victorian Civil and Administrative Tribunal.

***Strengthening provisions regarding community visitors***

The community visitors program is part of the Office of the Public Advocate and plays an integral role in providing protections and safeguards for people with a disability residing in disability services residential services.

The provisions in the current legislation have been strengthened in the bill, in recognition of the important role community visitors play in ensuring the rights of residents under the act are being met. The bill requires that a disability service provider must notify the Community Visitors Board within 72 hours that a request to visit a residential service has been made. The Community Visitors Board is now required to respond to that request to visit within seven days.

***Expanding privacy provisions to cover all people with a disability accessing disability services***

The bill includes and strengthens the requirements of the Intellectually Disabled Persons' Services Act in relation to information disclosure and handling, but expands these provisions to all people with a disability who are accessing disability services. These provisions provide protections about the use and disclosure of information about people who are accessing disability services and who are not able to provide consent for the release of information.

The provisions also provide clarity for disability service providers regarding when information can be released. Where a person with a disability is involved in a range of programs and supports, the bill enables the disclosure of personal information by a disability service provider to facilitate coordinated and planned provision of services.

The bill is consistent with the broader privacy principles set out in the Information Privacy Act 2000, which protects people's personal information, except health information, and the Health Records Act 2001, which specifically protects people's health information, including personal information that is collected by organisations about people with a disability.

***Allowing for review of certain decisions by the Victorian Civil and Administrative Tribunal (VCAT)***

The bill strengthens the protection of the rights of people with a disability by the inclusion of a range of reviewable decisions through applications to the Victorian Civil and Administrative Tribunal. Under the current legislation, people with a disability have not had the capacity to appeal decisions made by disability service providers to a body that can make enforceable decisions.

People with an intellectual disability have had the capacity to apply to the Intellectual Disability Review Panel on a small range of decisions. Reviewable decisions under the Intellectually Disabled Persons' Services Act have included eligibility for services, admission to a residential institution,

the content and review of a general service plan and the decision to use restraint or seclusion.

The bill provides that all people with a disability will be able to apply to VCAT on a range of reviewable decisions. These decisions include whether or not a person has a disability within the meaning of the act and decisions that impact on a person's liberty such as the use of restraint or seclusion. The decisions also include the residential issues already discussed.

In feedback received through the extensive consultation process, the majority of stakeholders supported the review of decisions by a body with decision-making powers. VCAT has advised that they have the expertise to hear the matters outlined in the bill. VCAT's ability to hear these matters stems from its broad experience in administrative review and dispute resolution, and in dealing with people with a disability through a number of their lists including their antidiscrimination and guardianship lists.

In addition to the review rights available to people with a disability, disability service providers will also have the capacity to apply to VCAT to review a decision in relation to the secretary's registration powers. A person or disability service provider may apply to VCAT for a review of a decision by the secretary to refuse an application for registration or the renewal of registration and the decision to revoke the registration of a provider. This also applies in relation to a decision by the secretary to approve a disability service provider to use restrictive interventions or supervised treatment.

**A system for regulating restrictive interventions and compulsory treatment**

The provisions in the bill regarding restrictive interventions and compulsory treatment follow on from the recommendations made by the Victorian Law Reform Commission (VLRC) in their report *People with Intellectual Disabilities at Risk* (November 2003). They are also in line with the earlier *Report of the Review Panel Appointed to Consider the Operation of the Disability Services Statewide Forensic Service September 2001*, which was chaired by Justice Vincent.

The components of the bill based on these reports are:

***Establishment of the senior practitioner***

The bill establishes a senior practitioner who is responsible for ensuring that the rights of people subject to restrictive interventions and compulsory treatment are protected and that appropriate standards in relation to these practices are met. The senior practitioner will provide a transparent and accountable system for regulating the use of these practices.

The senior practitioner has a range of general functions in relation to restrictive interventions and compulsory treatment including to:

develop guidelines and standards

provide education and information

provide advice to disability service providers to improve practices

develop links to professional bodies and academic institutions to improve the knowledge and training of workers

undertake research and provide information to disability service providers

monitor and evaluate the systemic use of these practices and make recommendations to the minister and secretary.

The bill provides that the senior practitioner must publish an annual report.

The bill also provides the senior practitioner with additional powers in relation to the use of restrictive interventions and compulsory treatment. These powers include inspecting premises and investigating, monitoring or auditing the use of these practices. The senior practitioner may by written order direct that a practice, procedure or treatment is discontinued. In this case, the senior practitioner must assist in developing alternative strategies for managing the behaviour of the person affected.

The senior practitioner will be established as a position under the direction of the Secretary of the Department of Human Services. The establishment of this position as an internal office means the senior practitioner will not just be a monitor but able to have a greater impact on quality improvement and better outcomes for people with a disability subject to these practices.

***Restrictive interventions***

Restrictive interventions are practices used by disability services providers that are designed to prevent a person with an intellectual disability harming themselves and others or destroying property, which may result in harm. Restrictive interventions include mechanical and chemical restraint, seclusion and other practices, which restrict the rights or freedom of movement of a person with a disability.

The Intellectually Disabled Persons' Services Act provides some guidance in relation to the use of restraint and seclusion; however, we believe the current provisions do not adequately protect the rights of people subject to these interventions. In addition, during the consultation feedback was received that disability service providers sometimes use these interventions with people with other types of disabilities, to prevent them harming themselves or others. There are currently no protections for these people under the Disability Services Act.

We are keen to ensure that disability service providers meet their duty of care obligations and that better safeguards are provided to protect the rights of people subject to these practices.

To this end, the bill specifies a range of increased protections. These include:

That a disability service provider must be approved by the secretary to use restrictive interventions, as part of this approval an authorised program officer must be appointed.

That the use of restraint and seclusion must be included in a behaviour management plan.

That the authorised program officer must approve the use of restraint or seclusion in the behaviour management plan.

The authorised program officer must ensure that an independent person has explained the use of restraint or seclusion to the person and the person's right to review of this decision by VCAT.

Where people with a disability do not have access to an independent person through their personal support network, a person will be provided through an independent person program. This program is being established in recognition that a right to review is not meaningful unless a person can understand this right. The independent person is also able to inform the public advocate if the person does not understand and the use of restraint or seclusion does not meet the requirements of the bill. The public advocate can then investigate and refer the matter to the senior practitioner or initiate an application for review by VCAT.

The authorised program officer must also notify the senior practitioner that they have approved the use of restraint or seclusion. The senior practitioner is then responsible for monitoring the use of these interventions. The senior practitioner may also specify requirements or monitor the use of other interventions that the senior practitioner believes to be restrictive.

Strengthening the requirements regarding the use of these interventions in the bill provides better protections and safeguards for the small number of people with a disability who are subject to these provisions.

***Compulsory treatment***

There are a small number of people with an intellectual disability who are subject to compulsory treatment. The bill seeks to provide better regulation for these people by providing for transparent and accountable criminal and civil orders.

At this time these provisions relate only to people with an intellectual disability. This is because the provisions seek to regulate what is already occurring. It has been suggested that the provisions should be extended to people with an acquired brain injury. Currently, there is little evidence regarding the involvement of people with an acquired brain injury in the criminal justice system and whether there are appropriate treatment models available. It is premature for people with an acquired brain injury to be subject to compulsory treatment in the absence of this evidence. An undertaking has been made to the public advocate to commence research into this matter prior to any future inclusion of people with an acquired brain injury under these type of provisions.

***People with an intellectual disability who are involved in the criminal justice system***

The bill seeks to provide regulation around services provided through the Statewide Forensic Service (SFS). This service provides intensive therapeutic treatment to people with an intellectual disability who are involved in the criminal justice system and display dangerous antisocial behaviour. Through these services the SFS aims to reduce the risk that these people place on themselves, other clients and the general community.

Currently there is no integrated statutory framework regulating the restrictive services provided through the SFS. People placed within this setting may be subject to either the Sentencing Act 1991, Guardianship and Administration Act 1986, or the Corrections Act 1986.

The bill provides clear criteria for admission to this service. These criteria include that the person must be subject to an appropriate criminal order.

The bill makes consequential amendments to the Sentencing Act to create a new sentencing option for people with an intellectual disability — a residential treatment order. This order requires that the person receive treatment in a residential treatment facility.

The bill provides comprehensive provisions regarding compulsory treatment in a residential treatment facility. These include overview of the treatment provided to the person by the senior practitioner and regular reviews of the person's treatment plan by VCAT. These reviews must occur at least annually, but an application for review can be made by the person subject to treatment, at any time.

These provisions significantly strengthen the rights of people receiving compulsory treatment and make more transparent the services provided through the SFS.

***People with an intellectual disability who are living in restrictive environments in the community***

Concerns have been raised about a small number of people with an intellectual disability who live in restrictive environments, when they are not subject to a criminal order. These people reside in restrictive living arrangements in residential services due to concern that they might pose a serious risk of harm to members of the community. There are currently no safeguards to protect the rights of these people.

The bill provides for a new civil order — a supervised treatment order, which can be made where a person resides in a restrictive environment because they pose a significant risk of serious harm to others.

The bill outlines a range of provisions in relation to supervised treatment, which are aimed at protecting the rights of people subject to this treatment. These include that:

A disability service provider must be approved by the secretary to use supervised treatment. As part of this approval, an authorised program officer must be appointed.

That the authorised program officer can only make an application to VCAT for a supervised treatment order if a treatment plan has been prepared and approved by the senior practitioner.

The authorised program officer must notify the public advocate that an application has been made.

The public advocate also has the power to apply to VCAT for an order directing the authorised program officer to make an application. This would occur where the public advocate believes that a person is being detained to prevent a significant risk of serious harm to others and an application for a supervised treatment order has not been made.

The bill outlines a range of requirements that must be met for a supervised treatment order to be made by VCAT, these include that it is the least restrictive option and it is necessary to detain the person to provide treatment and prevent a significant risk of serious harm to another person.

A supervised treatment order is for a maximum of 12 months.

The senior practitioner is responsible for the supervision of the supervised treatment order. An application can be made to VCAT at any time to review, vary or revoke the order.

These provisions provide clear regulation and transparency around situations which are currently occurring without adequate external scrutiny. The bill will ensure that the rights of people subject to this form of treatment are adequately protected.

In conclusion, we are at the forefront of a new era — an era in which people with a disability will have the same rights, opportunities and responsibilities as all citizens of Victoria.

This future will also be characterised by a significant shift in service delivery, from a focus on disability-specific programs to a focus on how people can get individualised supports of their own choosing to enable their individual participation in the community.

The Disability Bill will:

support the principles and objectives of the state disability plan;

support the development of a strong and stable disability sector, that is sustainable into the future;

provide a more integrated approach to disability; and

provide a fairer and more equitable system of supports for people with a disability.

Most importantly, the bill will strengthen the rights of all people with a disability. In doing so, we will ensure that the achievements and progress made in the last decade are not lost, but built upon. The bill will however provide a legislative framework to take Victoria forward.

I commend the bill to the house.

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

**Debate adjourned until next day.**

**Ordered that bill be referred to Legislation Committee at conclusion of second-reading debate on motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

# EDUCATION AND TRAINING REFORM BILL

*Second reading*

**Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act, be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Gavin Jennings.**

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

**Introduction**

Today represents a new milestone for education and training in this state. I am pleased, on behalf of the Victorian government, to present the most significant education reform legislation since the original act of 1872. This new bill builds on the strengths of previous legislation but also reflects the reality of contemporary education. Its main purpose is to set out a legislative framework that will underpin quality education and training delivery in Victoria, both now and well into the future. It establishes a robust framework for both education and training that compares favourably with the best across the OECD and will enhance economic, social and cultural prosperity.

As Minister for Education and Training, I am responsible for ensuring the provision of quality education and training opportunities for all Victorian students. The people of Victoria deserve, and expect, the best possible learning opportunities, whatever their background or circumstances. Our key education and training priority, therefore, is to ensure that all Victorian students are provided with a wide range of effective programs that cater to community and individual needs. It also means building a highly integrated and responsive education and training system that offers multiple pathways and allows Victorians to pursue the increasingly specialised qualifications and skills they require to lead the life of their choosing.

Of all the factors that have the potential to increase an individual's opportunities, education and training is the most enabling. It allows individuals to equip themselves to live fulfilling, productive and satisfying lives. It provides the opportunity for them to consider their place in our democratic Australian communities and to acknowledge their cultural and linguistic heritage. Not only does education provide the grounding for the development of skills and judgment, it supports people to be innovative and creative. Education and training enables individuals to contribute to Australian society by adding to our national prosperity, participating in our democratic processes and strengthening the cohesive and egalitarian nature of our communities. It is a private good that has immense public value.

The successful provision of quality education and training for all is the critical requirement of all modern democracies to enable their citizens to flourish personally and to maximise economic, social and cultural opportunity.

A quality education and training system does not respond only to contemporary needs and issues; it should also identify and anticipate future needs and challenges.

It is a fundamental community and social glue, while being a bridge to a more prosperous and harmonious future.

It is important to note in this respect that Victoria's training legislation is relatively recent — for example, the Vocational Education and Training Act dates from 1990. As a result, much of the training legislation continues to reflect the needs and expectations of the community.

By contrast, many of the provisions in the current 1958 Education Act remained unchanged from 1872. As a consequence the most significant changes included in this reform bill relate to school education where current legislation prescribes in minute and often archaic detail the operation of a government school over a century ago.

In developing this reform bill we have consulted widely with education and training stakeholders and the broader community over the past year. Informed by the views expressed and our own policy research, this bill represents the aspirations and expectations of the community for an education and training system set in the 21st century in the following ways:

> it includes, for the first time in education and training legislation, a set of overarching principles that reflect the democratic values that are the essence of our society and system of government;
>
> it provides for a seamless education and training system in Victoria that supports high standards and provides multiple pathways and lifelong learning opportunities;
>
> it replaces 12 acts with one consolidated Education and Training Reform Act; and
>
> it provides reforms that will support flexible and responsive service delivery across Victoria.

Given the magnitude of the bill, I am sure the members of the house will appreciate that this speech will focus on its more significant elements.

The bill is organised into six chapters. The first chapter describes the general provisions of the bill, and describes two sets of principles. The first set of principles are those which I propose Parliament has regard to when enacting this legislation, while the second set underlie the government education and training system.

The first principle set out in the bill is particularly important. It requires that all providers of education and training, both government and non-government owned, deliver their programs and teaching in a manner that supports and promotes the principles and practice of Australian democracy.

This includes a commitment to:

> elected government;
>
> the rule of law;
>
> equal rights for all before the law;
>
> freedom of religion;
>
> freedom of speech and association; and
>
> the values of openness and tolerance.

Australian civil society is defined, among other aspects, by these key tenets. Our consultations with the community confirmed this view. Australian society is tolerant of a range of religious, political and social beliefs and values in the context of the fundamental principles of our democracy. Government has an obligation to foster adherence to the principles of Australian democracy by all education and training providers. Identifying this framework through the bill reminds all Victorians not only of the values we hold in common, but also of our shared responsibilities in promoting these values.

The second chapter of the bill contains the provisions relating to school education in Victoria. This chapter includes those applicable to government schools, government school councils, the government school teaching service, the Victorian Institute of Teaching and the Victorian Curriculum and Assessment Authority. In particular, the bill clarifies the responsibilities of the Victorian Curriculum and Assessment Authority, stating it is responsible for managing the delivery of the Victorian certificate of education and Victorian certificate of applied learning as well as for authorising schools and training providers to offer these qualifications. This function extends to licensing or approving the use of its curriculum outside Victoria, including overseas. This is an important role — other jurisdictions are increasingly recognising and wanting to use Victoria's high-quality qualifications.

The third chapter of the bill describes the provisions for post-school education and training. This includes updated provisions from the Vocational Education and Training Act 1990, the Adult, Community and Further Education Act 1991, and the Tertiary Education Act 1993. In this chapter the bill clarifies and confirms the existing policy advisory role of the Victorian Learning and Employment Skills Commission in the skills and training area and updates its functions to provide a more strategic focus. To more clearly define its responsibilities, the name of this statutory authority will be changed to the Victorian Skills Commission.

Chapter 4 of the bill sets out the role and functions of the new statutory authority that will be responsible for the regulation of all schools, training providers and higher education providers, except existing universities. This statutory authority will also be responsible for the regulation of home-schooling in Victoria, and will maintain a 'light touch' approach to the development of minimum standards. I will expand on this approach further on.

The fifth chapter outlines other general provisions relating to workplace learning, apprentices, enforcement, as well as the making of regulations and ministerial orders. This chapter also sets out the functions and powers of ministers responsible for the education and training portfolio, as well as those functions that are identified as the responsibility of the secretary of the department. This part of the bill establishes the responsibility of the department for the administration of education and training in Victoria, with its principal role being to assist the ministers in administering the act.

The bill updates and merges the existing powers of the minister and includes a new power enabling the minister to do all things necessary and convenient in connection with the

functions conferred by this bill or any other act. This is consistent with modern legislative practices and makes clear to the public the minister's common-law powers. In addition, the bill enables the minister to approve or enter into arrangements for multisector provision in Victoria. This will ensure that innovative solutions to provision can be delivered in the future. For example, a TAFE institute and a secondary school could jointly share or offer services to better meet the needs of their local community. This is part of our ongoing commitment to supporting multiple pathways for Victorian students.

The sixth chapter of the bill repeals the current 12 acts for education and training and provides for transitional and consequential amendments arising out of those repeals.

**Section 85 of the Constitution Act**

**Mr GAVIN JENNINGS** — I make the following statement under section 85(5) of the Constitution Act 1975 outlining the reasons why clause 5.9.3 of the bill provides for the intention of sections 2.2.2, 2.3.31 and 2.4.22 to alter or vary section 85 of that act.

(i) Section 2.2.2(2) provides that the minister's decision to discontinue or continue a government school cannot be challenged by prerogative writ, injunction, or other legal proceedings. The types of legal proceedings listed are those mostly available in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the Constitution Act 1975 is because decisions to discontinue or continue a government school are made following lengthy public consultation, and are based on projected demographic and other considerations such as other government schools servicing an area, and the minister's decisions on these matters should be final. It should be noted that section 2.2.2 reflects the current section 21A of the Education Act 1958.

(ii) Section 2.3.31 prevents councils of government schools from issuing legal proceedings against government bodies without the consent of the minister. The type of proceedings listed include prerogative writs, injunctions, or other legal proceedings issued in the Supreme Court of Victoria. The reason for altering or varying section 85 of the Constitution Act 1975 is because it is considered inappropriate for school councils established by the government to issue proceedings against the state, or other school councils, or other bodies having a common interest with the state. In circumstances where disputes occur, then administrative action should be able to resolve the matter, rather than resorting to litigation and tying up our courts. It should be noted that section 2.3.31 reflects the current section 14B of the Education Act 1958 in a slightly amended version.

(iii) Section 2.4.22 prevents principals of government schools from issuing legal proceedings arising out of an appointment or non-appointment of a person as a principal. The type of proceedings listed include prerogative writs, injunctions, or other legal proceedings issued in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the Constitution Act 1975 is to remove delays associated with a multiplicity of appeal and review processes, and because of the existence of rights of review under the bill with the Merit Protection Board. It is considered that the specialised Merit Protection Board established under the bill for these processes is the appropriate body to review these decisions. It should be noted that the section repeats the current section 30 of the Teaching Service Act 1981.

**Incorporated speech continues:**

The current section 14B of the Education Act 1958 prevents councils of government schools from issuing legal proceedings against any person without the consent of the minister. The term 'any person' was considered too restrictive, and the updated clause 2.3.31 improves the position of councils by enabling them to issue proceedings against non-government bodies without the minister's consent. This change will permit councils to issue proceedings against third parties that are not government bodies for matters such as contractual disputes.

Decisions to discontinue government schools is also a subject worth mentioning. This government is committed to a policy of not unilaterally or forcibly closing government schools. Whilst we consider that the decision of the minister to discontinue a particular school should be final, it is the processes that lead to that decision which will be critical. Our policy will not see government schools being closed without community support and ensuring there are other appropriate education services in place for students.

I now turn to the significant reforms in the first, second and fourth chapters of the bill, focusing on these reforms in more detail.

**Access**

The government believes that all Victorian students should have the opportunity to receive a quality education. Chapter 1 of the bill enshrines this principle by stating that all Victorians, irrespective of the education or training institution they attend, where they live or their social and economic status, should have access to a quality education that maximises their potential and achievement, promotes enthusiasm for lifelong learning and allows parents to take an active part in their child's education.

This is essential given the positive long-term effects a quality education can deliver for both the individual and wider society.

Leading on from this principle, the bill recognises the crucial role of the state in providing universal access to education and training. The state does this through the establishment and maintenance of a government education and training system. The importance of this role was recognised over 100 years ago when our public secondary system was first established. Victoria's first director of education, Frank Tate — who was very much the driving force behind establishing this system — saw something greater in the socially and economically enabling capacity of public education. He proclaimed that instead of throwing out 'a few ropes from the upper storey to accommodate a few selected scholars', Victoria must provide 'broad stairways for all who can climb'. This sentiment holds true today and this bill — and in particular this principle — reflects the government's commitment to providing learning opportunities for all.

Building on this, the bill includes as a principle underlying the government education and training system, the right of every child to attend their designated neighbourhood government school. In the majority of cases, the designated government school will be the school that is nearest to a student's permanent residential address. However, infrastructure and facilities impose an enrolment limit on all schools and there will be occasions where designated boundaries mean the right of access is not to the nearest geographic location.

**Choice**

Although the neighbourhood school remains the cornerstone of communities and the choice of many parents, the reality for contemporary school education is that parents and students do choose between government and non-government schools, as well as between individual government schools and individual non-government schools. Further to this, parents and students choose between formal schooling and non-formal educational settings, as well as between training providers.

This bill recognises as a principle the right of parents to choose an appropriate educational setting for their child. Parents want and should be able to choose the educational environment that most suits the learning needs of their child.

Focusing on schools for a moment, the government expects — as a result of this principle — that schools will need to diversify the courses and programs they offer to meet the needs of their community. We have already begun this in government schools through the reforms of the Blueprint for Government Schools and this work is ongoing. This government is particularly committed to maximising choice in the government school system. By including this principle in the bill, we are reflecting the realities of 21st century education and acknowledging the diversity of choices within and across sectors.

Of course, the government acknowledges the ability to exercise choice is not dependent only on the capacity of education and training providers to supply diverse educational experiences. Choice also depends on the geographic and economic circumstances of the family. This is why all education and training providers need to be of a high quality. For this reason, the bill establishes a new regulatory authority to ensure minimum standards for all school and post-school providers are met. I will return to this aspect of the bill when I discuss chapter 4.

**Information**

A necessary precondition for the exercise of parental choice is the availability of information on education and training providers. The bill includes a principle stating that information concerning the performance of education and training providers should be publicly available.

In selecting a school, parents and students often require information on school performance, extracurricular activities and the school environment. School performance information is also required for the community to be assured that public funds are being used to their best advantage. For these reasons, the Education and Training Reform Bill also states that the school community has a right to information concerning the performance of its school. The bill requires that all schools take responsibility for providing such information via an annual reporting process. The bill sets the expectation that individual school information takes account of the particular circumstances faced by each school. This is not intended to create league tables that compare schools and systems, but rather to provide information to the local educational community of a school.

The bill also establishes a principle stating the right of parents and students to receive individual student achievement data from their school. Each student and their parents need to receive meaningful and easily understood information about that student's performance. The vast majority of schools already provide such information and the government recently released a revised reporting framework to enhance good practice across all government schools. Enshrining this principle in legislation will promote good practice in all schools long into the future. Although a number of students turn 18 — becoming adults — during year 12, there is a strong community feeling that all parents should be informed of their child's progress. However, recognising this is not appropriate in all cases, the bill will enable regulations to be made providing for exemptions where students are estranged from their parents or are not financially dependent on them.

**Compulsory education**

Compulsory education is the first provision outlined in chapter 2 and the bill makes clear the obligation of parents to ensure their child receives an education — at school or at home — up until 16 years of age. The world has changed since 1872 — which was when the current minimum leaving age of 15 was originally promulgated. Increasingly the demands of the labour market mean that young people require higher skill levels to find employment, even at entry-level positions. The evidence shows that people who complete year 12 or equivalent are more likely to make a successful transition to further study or work. The evidence also shows that there are ongoing effects from leaving school early — not just for the individual but also for society and the economy. It is often the most disadvantaged students who are at risk of not finishing their schooling. The objective of a minimum compulsory school leaving age is to prevent students leaving school with no pathways or prospects.

The Bracks government has invested significant resources over the past six years in strategies to increase the year 12 or equivalent completion rate in Victoria. Raising the minimum

leaving age to 16 years complements these efforts and sets the expectations of the government and broader community.

**Free instruction**

Building on the expectations established in the provision for compulsory school education the bill guarantees free instruction at a government school or a place in a TAFE institute or other public training provider until the completion of a year 12 or an equivalent qualification, provided the student is under the age of 20 years as at 1 January of the relevant academic year. This is a key element of the government's commitment to deliver a quality education and training to all young people now and well into the future.

Victoria was the first of the colonies to introduce compulsory education, which was secular and provided free instruction through the passing of the Education Act 1872. The provision of free instruction was particularly controversial at the time, but paved the way for universal access to school education — now enshrined in every state and territory's legislation. This legislation had a powerful impact — school attendance increased by approximately 50 per cent when it was enacted.

The community expects free instruction in government schools and we have reaffirmed this in this bill. As I have already stated, access to education is important — particularly for the most disadvantaged in our community as it has the capacity to expand life opportunities. In this legislation, 'free instruction' in schools refers to teaching in the eight key learning areas identified in the 1999 'Adelaide Declaration's National Goals for Schooling'. This is agreed by all Australian jurisdictions.

The bill also enables government schools to seek voluntary contributions and charge for goods and co-curricula, or extracurricular, activities such as textbooks or school camps. This reflects the reality of current practice in government schools and makes provision for communities that wish to make additional contributions to their school. Of course, we recognise that for some families voluntary contributions are not possible. It is for this reason that the bill includes several specific principles that schools must adhere to when seeking financial contributions. These are: contributions are to be voluntary and obtained without coercion or harassment; a child is not to be refused instruction in the eight key learning areas because the child's parents do not make a contribution; a child is not to be approached or harassed for contributions; in requesting voluntary contributions school councils must clearly articulate how the funds will be spent; and finally, any record of contributions should be confidential.

As I indicated earlier the government has gone one step further and included in the bill a guarantee of a place at a TAFE institute or other public training provider to the completion of year 12 or its equivalent if the student is under 20 years of age. We are the first Australian state or territory to do so in legislation.

This bill recognises the differing needs of young people. A range of alternative pathways is required to ensure that as many young people as possible participate in education and training. This provision will support and encourage young people to complete their studies, particularly those at risk of disengaging from education and training without any qualifications.

**Secularity and religious instruction**

One of the three 'cardinal points' of the 1872 Education Act was to ensure the secular nature of government schools. The 1872 act does not define secular, presumably on the assumption that the community had an agreed understanding of what secular meant. Today, secular has come to mean different things to different people. It is for this reason that the bill not only reaffirms the principle of secularity, but defines it in modern democratic language. In the first chapter, the bill makes it clear that the government school system is secular, and open to the adherents of any philosophy, religion, or faith. Further to this, the curriculum and teaching in government schools is 'not to promote any particular religious practice, denomination or sect'.

In addition to this principle, the bill makes clear in the second chapter that the current provisions for voluntary religious instruction will continue in government schools. The bill also ensures that government school teachers are able to discuss and teach comparative religion within the context of secular subjects such as politics or history. In a democratic and diverse society such as Australia, there is a widely held view that schools should enable their students to understand the religious perspectives, beliefs and cultural understandings of the people who constitute the society in which they live. This will inevitably involve an exploration of various religious beliefs. This does not mean that teachers can promote a particular religious view, but that they can discuss and explore different religious perspectives as part of delivering the Victorian curriculum. For government school teachers to do their job properly and develop well-informed young people, they need to be confident that they can cover all historical and contemporary issues, including religion. This bill will clarify ambiguities that exist in the current legislation.

**New regulatory regime for all education and training providers**

As indicated earlier in the overview of the bill, chapter 4 establishes and outlines the responsibilities of a new common regulatory authority for all schools, training providers and higher education providers, except existing universities. This authority will also have responsibility for monitoring home-schooling.

We all know that a quality education makes a difference. Young people need a high standard of education to underpin their economic and employment security, and to enable them to keep learning in an ever changing and more challenging world. Parents, therefore, rightly expect that their children will be provided with a quality education. To ensure all schools, training and higher education providers are delivering a quality education we need to make certain they are meeting minimum standards so that all students have the opportunity to reach their potential. These are not 'lowest common denominator' standards, but a guarantee that all students can have access to a quality education, no matter what school, training provider or higher education institution they attend.

We have carefully considered the breadth of options and believe that establishing a new statutory authority, with responsibility for the registration and accreditation arrangements for all schools, training and non-university higher education providers is the best solution. This acknowledges the reality of successful 21st century education — the need to have a range of education and

training providers that can deliver a variety of pathways for young people as well as lifelong education and training for the entire community. This is a key element of the statutory authority — and indeed the bill — as it will support a seamless Victorian education and training system. It is the first time such a regulatory authority has been established, not only in Australia but across the OECD. This is yet another example of Victoria leading the way as we did back in 1872.

The bill makes it clear that this new authority will incorporate and build upon the current responsibilities of the Victorian Qualifications Authority and the Registered Schools Board, both of which will be abolished. This authority will ensure all schools are accountable to the same minimum standards, so that all Victorian students can have the very best education to set them on their way to a successful adult life. On the advice of this new authority, regulations will be made with respect to the minimum standards for school education, training and higher education providers (other than existing universities).

The bill makes clear these standards for schools will relate to the following areas:

student learning outcomes;

enrolment policies and minimum enrolment numbers;

student welfare;

curriculum programs;

governance and probity; and

review and evaluation processes.

The bill also makes clear that training providers will need to meet minimum standards that are consistent with the national standards for registered training organisations. These national standards currently apply to:

student learning outcomes and welfare services;

student enrolment, records and certification;

teaching, learning and assessment;

governance, probity and legislative compliance;

quality assurance, review and evaluation processes.

The bill requires the authority to establish registration processes for vocational education and training providers, consistent with the defined minimum standards.

With regard to non-university higher education providers, the bill requires the authority to develop minimum standards that these providers will need to meet for registration and accreditation in Victoria.

The bill also gives the new authority responsibility for approving the establishment of new universities in Victoria.

Finally, the bill makes the authority responsible for approving providers to offer courses to overseas students and accrediting all education and training qualifications in Victoria.

The bill requires the new authority to exercise a 'light touch' approach to regulation that is consistent with the modern regulatory practices operating throughout the OECD. This authority will not be responsible for school, training or higher education provider improvement beyond the required standards. This is a matter for the owners and operators of education and training providers. The government expects school system authorities, such as the Catholic Education Commission, and other appropriate school education organisations, such as the Association of Independent Schools, will be licensed by the new authority to take responsibility for quality assurance. It is anticipated this might also apply to training and higher education organisations for the non-university sector.

Victorians want to be proud of and feel confident about their education and training institutions. A set of expected standards and a common, modern regulatory regime for all education and training providers will give the community this confidence. The government's goal is to ensure that all of our education and training providers are accountable for providing the best possible education for their students.

As stated earlier, this bill acknowledges parental choice. Parental choice extends beyond school education providers — some parents also choose between formal schooling and home-schooling. Although home-schooling is chosen by relatively few parents, it is common throughout the democratic world and Australia is no exception. The bill recognises this choice and the commitment that home-educators make to their children's learning. Equally, the responsible minister also needs to exercise their responsibility under the act to ensure all students receive a quality education. The current approach to home-schooling provides no support to parents in terms of materials or guidance. Therefore, the bill requires the new statutory authority to develop a modern and transparent approach to registering and monitoring home-schooling. This will be done in close consultation with parents engaged in home-schooling.

This 21st century approach to statutory regulation allows education and training providers to get on with what they know best — learning and teaching free of antiquated compliance structures. The responsibilities of ministers under the new act will be supported through a regulatory approach that upholds standards and protects all Victorian learners.

**Summary and concluding remarks**

In summary, the government has developed a student-centred bill that not only reflects the reality of contemporary education and training but will support the learning and development of future generations. It is a bill that acknowledges the traditions of Victorian education yet provides a platform that will serve the young people of this state for decades to come. It is a bill about good education and training outcomes for all Victorians.

The Education and Training Reform Bill facilitates diversity, choice, innovation and flexibility in the delivery of education and training. It ensures the right of all Victorians to a high-quality education; it enshrines a commitment to democracy; it promotes access; and, most importantly, it places an obligation on providers, whether government, non-government or home-schooling parents, to ensure all young people receive an education that will prepare them to participate fully in the world that awaits them.

Education and training is crucial to our individual and collective futures. It is the cornerstone of strong democracies

in which all citizens can play a role in determining the type of society in which they wish to live and prosper.

As Minister for Education and Training, I have a responsibility to ensure that all Victorian students have the opportunity to achieve their potential in learning.

The successful provision of quality education for all is the glue which provides economic prosperity, social harmony and individual aspiration for all its citizens.

This important bill provides the means to enable this to happen.

I look forward to what I am sure will be a wide-ranging and informative debate.

I commend the bill to the house.

**Motion agreed to.**

**Debate adjourned on motion of Hon. ANDREW BRIDESON (Waverley).**

**Debate adjourned until next day.**

**Ordered that bill be referred to Legislation Committee at conclusion of second-reading debate on motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

## INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

*Second reading*

**Debate resumed from 30 March; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. C. A. STRONG** (Higinbotham) — In rising to speak on the Interpretation of Legislation (Further Amendment) Bill I will begin by informing the house that the opposition will be supporting this piece of legislation. It is a fairly simple piece of legislation. Amendments to the Interpretation of Legislation Act come before the house every so often. It is worth noting that that act simply provides some clarification as to how legislation should be interpreted, specifically by the courts and the bureaucracy. Whenever there is confusion and a need to further clarify how legislation is meant to be interpreted, amendments to the Interpretation of Legislation Act are introduced. That is what this bill does.

To give the house some idea of how relatively straightforward, but nevertheless important, many of the amendments are it is worth running through them very quickly, even though, as I said, it is a fairly simple bill which we will certainly not be opposing. The first significant amendment deals with the numbering of legislation. Members will be aware that the first bit of legislation passed in any particular year is numbered 1. Then as the legislation flows through the numbering goes on — 2, 3, 4, 5, 6, 7 and so on. What the amendments make clear is that, if for any reason there is a slip-up and the legislation is numbered, for instance, 1, 2, 3, 4, 6, with a gap before the 6, any subsequent legislation will not be invalidated by the error. The bill simply provides that any inconsistencies in the numbering system will have no effect on the validity of legislation.

The second amendment clarifies the question of when a particular piece of legislation comes into force. It provides that an act will commence by default on the day of proclamation or, failing that, on the first anniversary of its passing, whichever is earlier. It simply clears up when an act commences. There is an amendment that deals with the question of what actions can be taken under a particular piece of legislation between the passing of that legislation and its commencement. Existing section 13 of the Interpretation of Legislation Act sets out that certain powers can be exercised between the passing of an act and its commencement. We have been told that that section is often utilised to set up various administrative functions that have to be in place when the act actually commences. This intervening period is used to set up various administrative functions, such as establishing offices, employing staff and so on. New section 13 sets out precisely which powers can be exercised during the period between the passing of an act and its commencement.

The next set of provisions deal with the effect of the repeal of a particular act on provisions in other acts. For example, a particular act may be brought in which, as is the case with many of the bills we deal with, contains saving provisions to ensure that the rights and privileges people held under the previous legislation are saved when the new piece of legislation is brought in. What this clause makes quite clear is that if a piece of legislation which contains a saving provision is subsequently made redundant, that saving provision will still operate. That is all a little bit complicated, but it ensures that justice will still be done for the people who have rights under those particular saving provisions and transitional arrangements.

The next set of clauses deals with references in bills to section numbers in other pieces of legislation. We often see in this house a bill containing a clause with a reference to a section numbered blah, blah, blah in some other piece of legislation, such as a reference to a section in a particular piece of federal legislation, but as

we know because we are doing it all the time, when we amend legislation the clause numbers change. These provisions make it quite clear that when a clause is amended any references to the clause will automatically change with it. Therefore any references in the amended bill will show the new clause number. Once again it is quite sensible and logical, and with computers it is a lot easier to do than it used to be.

There are also amendments to the definitions to clarify references in bills to particular people or things. Clause 9 of the bill makes some of these definitions quite clear. I will read some of them out so members understand they are purely for clarification and will not significantly change any meaning or action in a bill. For instance, clause 9 inserts into section 38 of the act a definition of 'Attorney-General'. It states that 'Attorney-General' means the Attorney-General of Victoria, just in case there may have been some confusion as to whether it meant the Attorney-General of Australia or some other attorney-general or whatever. It also defines 'fee unit'. We use that terminology a lot. The term 'fee unit' appears in various bits of legislation. The bill defines 'fee unit' as having the meaning given to it by section 4 of the Monetary Units Act 2004. Surprisingly it goes on to define 'individual' as meaning a natural person — in other words, it clears up what an individual is, in case there may be some sort of esoteric dispute in law about that. It makes it quite clear that it means a natural person, not a corporation or some other thing.

I have already mentioned changes to clause numbers through subsequent amendments, and we know that department names also change all the time. Department names and section names are changed on a fairly regular basis as government reorganises, and that is particularly so with this government, which is forever involved with issues of spin and reorganisation rather than issues of substance. The names of all these departments are changed for political purposes to make them look and sound better. What clause 10 makes quite clear is that when the name of a department that is referred to in the legislation is changed, then the reference is automatically a reference to the department with its new name — in other words, it maintains the relationship that existed before.

I will simply touch on the amendments in clause 12, which relate to the protection at law of entities representing the Crown. There is a need to do something about that rather than it just being, as with many of these things — the definitions, for instance — a belts-and-braces job. Somebody may hold that when an act talked about the Attorney-General it did not necessarily mean the Attorney-General of Victoria, it could have been some other attorney-general, so it is necessary to clarify that aspect, but this really is a belts-and-braces job in every way.

In relation to clause 12, there was a recent court case which requires some clarification. The recent High Court decision in *McNamara v. Consumer Trader and Tenancy Tribunal and Roads and Traffic Authority* found that a statutory body did not have the benefit of Crown immunity even though it was described in legislation as representing the Crown. The McNamara case did have some controversy about it, but that aside, the court held that there was no Crown immunity. Proposed section 46A(1) makes it quite clear. It provides that where a statutory entity represents the Crown, then the entity is to have for all purposes, the status, privileges and immunity of the Crown unless the contrary intention appears. As I said, there is some controversy about the McNamara case and the extent to which the changes are retrospective and have disadvantaged the individuals concerned, but nevertheless the principle is valid: it should be quite clear that where it is a public entity, then it has the immunity which is afforded to it by the Crown.

In summary, those are the issues the legislation deals with. These amendments make quite clear how legislation should be interpreted, and many of them are, it seems to me — and it has seemed to me with previous amendments — guarding against the most esoteric and unlikely of events, but nevertheless the truth remains that we want legislation to work, so if there is any doubt it should be made clear. With those comments I urge the house to support the bill.

**Hon. W. R. BAXTER** (North Eastern) — Like Mr Strong, I am happy to indicate that The Nationals are supporting this small piece of legislation. I have often over the years found it quite fascinating that we need a piece of legislation to enable us and others to interpret the statute book. I can remember the predecessor of this bill, the Acts Interpretation Act 1958, which I thought at the time was a rather odd title, and now we have got the Interpretation of Legislation Act as its successor, but I suppose when one reflects upon it, the law is exceedingly complex in many respects and obviously there needs to be some sort of standard as to how various provisions are to be uniformly and consistently interpreted by courts, members of Parliament, public servants and the general citizen.

The provisions in this bill are acceptable. I am surprised and somewhat mystified by the fact that some time last year someone could not count and when numbering acts seriatim left out one of the numbers, and we have

to now put into the statute book the fact that that happened and that it is of no consequence. So be it, I suppose.

I also agree with the clarification included in the bill as to what powers may be exercised in getting ready for the coming into being of an entity that may have been established by an act of Parliament and is to come into being on a particular date. I recall the example of the Parliament House Completion Authority, where some work was done prior to the authority actually coming into being, so that from day one the authority was in a position to proceed without delay. That seems perfectly reasonable and laudable to me, but it can be a matter of some dispute, and I recall — I think it was in that particular example — just how much preparation could be carried out prior to the formal constitution of the authority. It makes a lot of sense to me that the chief executive officer might be appointed, that suitable premises might be identified and that matters might be got in order so that, whatever the entity is, it can get into its stride because that work has already been done.

The matter that goes to the renumbering of clauses and sections in other legislation that are referred to in a particular piece of legislation is clearly commonsense. The way we are constantly amending acts of Parliament in this place, making deletions and additions, obviously renumbering occurs pretty frequently, and we now have more readily available than previously was the case technology that enables all those aspects to be identified. There will be a much more seamless referencing procedure for people who are trying to track through a particular piece of legislation in an effort to understand what it means.

It is exceedingly complex if one has to refer, as is often the case, to a whole series of acts when chasing things through, such as the example Mr Strong referred to, where the actual definition is not included in the act that you are dealing with, which refers you to yet another act to get that definition. We need to have some certainty so that people searching are referred to the correct numbered section and not one that has been overtaken by events and is therefore outdated.

I have often had concerns about how we can make our legislation more easily fathomed by the average citizen. In a sense I think we are going in the wrong direction in that regard. We are making it more difficult for people to grasp what is intended, and I want to give the house an example. This has been a more recent occurrence; perhaps it has crept in over the last 10 years, because I am sure it did not occur earlier. At one stage it was alleged to me that the member for Malvern in another place, before he became Leader of the Opposition, was actually the cause of this becoming the practice of the Parliament, but it goes to the issue of very minor punctuation changes. I am sure we did not previously insist that they be put in formal amendments. By way of example I refer to a bill that is currently before Parliament which says of the principal act:

> (a) in section 14 —
>
> (i) in the definition of ''relevant taxpayer", for "2005;" substitute "2005." …

The average person in the street reading that would be totally mystified or would conclude that there was a misprint — that this could not possibly be what it means. But on a very close examination — if one gets one's magnifying glass out — one sees that it is actually saying in the definition of 'relevant taxpayer' that for '2005' followed by a semicolon we should substitute '2005' followed by a full stop. That is the only difference. It does seem a bit absurd to me that we require an amendment formally to do that. Why can the Parliament not authorise the Clerk or parliamentary counsel or a suitable person to implement punctuation changes when they are required? If we authorise the Clerk by motion of this house to change the year that acts are passed when they flick over from one year to another — bills we were dealing with at the end of the last session that were dated 2005 can be changed to 2006 — it seems to me that a similar case can be made out for these very minor punctuation changes.

Why was this necessary? Because clause 14(a)(ii) of the bill amends section 14 of the principal act by repealing the definition of 'tribunal'. I acknowledge that there needs to be a formal amendment to repeal the definition of 'tribunal', but a consequence of that amendment is that a semicolon appearing earlier in the section needed to be turned into a full stop. I simply make this suggestion, if not a request, that some examination may well be given to whether we are complicating bills that come before the house and making it much more difficult for citizens who happen to pick up a bill to understand what it is all about. Maybe we are putting a lot of surplusage in these bills that could be dealt with more simply and in absolute safety by a mechanism which enabled punctuation corrections to be made via a mechanical process more than a formal legislative process on the floor of the house.

Having made that suggestion, I indicate that I am happy with the provisions of the bill. I suppose it is further housekeeping for the Interpretation of Legislation Act. It is obviously one that needs to be amended from time to time as new matters arise such as the Crown

privilege to which Mr Strong referred, and therefore The Nationals are happy to support it.

**Ms MIKAKOS** (Jika Jika) — I am very pleased to be able to participate in what is a fairly quick debate on this bill this afternoon. Can I say at the outset that the bill seeks to make changes to what is a very important act of Parliament, the Interpretation of Legislation Act 1984, which contains within it a number of provisions that relate to the construction, operation and interpretation of acts of Parliament and also subordinate instruments, and the bill seeks to make a number of what I would call minor amendments to clarify and improve on the operation of the act.

**Hon. B. N. Atkinson** — Acting President, sadly I draw your attention again to the failure of the government to maintain a quorum in the house.

**Quorum formed.**

**Ms MIKAKOS** — I am very pleased to have a bigger audience to listen to this very important debate. As I was saying, the Interpretation of Legislation Act is a very important piece of legislation. This bill seeks to make a number of important changes that will ensure that that act of Parliament is able to benefit from improvements to drafting techniques and other miscellaneous amendments. In particular the bill seeks to make one important change which relates to the numbering of acts of Parliament passed in any calendar year to ensure that they are numbered in the order in which they receive royal assent.

This issue has probably attracted some attention because one bill last year, the Racing and Gambling Acts (Amendment) Bill, did not receive royal assent, and this affected the sequential numbering of subsequent bills. As a consequence of the royal assent being delayed, there was no act no. 68 in 2005. I guess this is a relatively minor issue, but the change being introduced to the Interpretation of Legislation Act will ensure that this, you could say, minor issue in relation to the numbering of the acts of Parliament last year does not present any legal ramifications in future. It essentially ensures that there is no possibility of a technical legal challenge to the acts of Parliament passed from act no. 69 on to the end of last year.

The bill also introduces a minor amendment relating to the commencement of acts. Presently legislation allows a 28-day period for acts to commence. This period is vague; it is not clear whether it includes weekends or public holidays. The 28-day period allowed an act to be proclaimed throughout Victoria when the fastest mode of transport was the horse and carriage. Given that acts of Parliament are now posted on the Internet within 24 hours, the 28-day period is antiquated. This clause in the bill will allow for acts to make provision for a day of enactment where no provision has been made for the commencement in a section of that act.

The other significant aspect of this bill that I want to touch upon relates to the issue of Crown immunity for statutory bodies. The bill seeks to rectify some legal ambiguity arising from a High Court case, *McNamara v. Consumer Trader and Tenancy Tribunal and Roads and Traffic Authority*, where the High Court found that, even when a statutory body was described in legislation as representing the Crown, this was not the case. This ruling has exposed various state entities to risks and obligations previously not considered a risk. The bill repeals this state of affairs by ensuring that when statutory authorities are described as representing the Crown they do in fact have the privileges and immunities of the Crown.

In conclusion I want to say that the law is a fluid process. Laws need to be continuously tried and tested in the courts, and we as legislators have an obligation to ensure that the law remains responsive and flexible to the changing requirements of our society. In his contribution to the debate Mr Baxter gave an example of punctuation sometimes causing confusion amongst members of the public when they are interpreting legislation. We have always sought to ensure that legislation is expressed in simple language. It has been part of the commitment of the Bracks government to make the law accessible and understandable by using simple English as much as possible, particularly when there has been a major rewriting of legislation.

Specifically in relation to the suggestion made by Mr Baxter, as a former practising lawyer I would be concerned at the suggestion that the executive has a unilateral process of amending punctuation without going through the legislature first. I am guessing it was a taxation bill that Mr Baxter was quoting from. Particularly in the case of taxation legislation, even the minor matter of punctuation can make a great deal of difference in terms of the way a clause or section can be interpreted, and I would be concerned if we were to basically contract out our responsibility as legislators to make sure that we do get it right when bills go through this place. With those words I thank other members for their support of this bill and wish it a speedy passage.

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I want to reflect on the importance of words. I take extremely seriously the words used in both the contributions people make in public life and what they put on the public record in terms of this place. Those of

us who understand what the parliamentary institution is about understand that the words embedded within each of the statutes that sit on the tables in each parliamentary chamber are the measure of our effectiveness and the scope of the way in which we intend to impact upon the quality of life within our community. They are what we rely upon to resolve disputes and to enforce behaviour and civil standards right across our community, so it is extremely important that we understand those words, respect them and treat the scrutiny of them with a degree of rigour.

This very small piece of legislation is trying to clarify the standing of some words and the standing of some statutes, because from time to time there is confusion about the relative standing of those words, and as a consequence of that confusion there is doubt about the power of the law. This bill quite simply will remove some of the confusion.

Seguing back to where I started my contribution to the debate, I take my utterances on the public record extremely seriously. In the course of a debate on 25 October 2005, when we were discussing the granting of royal assent to the Racing and Gambling Acts (Amendment) Bill of 2005, on the basis of advice that had been provided to me I indicated to the house that the act would be no. 68 of 2005 and that once it received royal assent, the legislation would have the absolute effect that was intended when the bill passed through this chamber.

I am very pleased to say that the effect and the content of that bill are as I described to the house on that occasion. I am somewhat disappointed to report to the house that subsequently the numbering of the act changed in light of the fact that there was a blind spot in the arrangements covered by the Interpretation of Legislation Act and no. 68 of 2005, which is what I had reported it would be, was left vacant. I take this opportunity to place on the record the fact that on the basis of my advice I inadvertently misled the house. But more importantly and more substantively, I come back to the chamber to reiterate that the intention of the government is to have the full effect of that legislation. The renumbering of the act as no. 92 of 2005 does not alter the effect of the legislation.

Clause 3 of this bill provides for the circumstance where, if there is any hiccup or blind spot in the numbering system for bills into the future, there is nothing that will affect the scope, intent and application of that act or any other act. I am grateful for clause 3 of this bill, and I am grateful for the opportunity to use my words to set the record straight.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## COMMONWEALTH GAMES: ACHIEVEMENTS

**Debate resumed from 30 March; motion of Mr LENDERS (Minister for Finance):**

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

(1) the games volunteers, whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;

(2) the hardworking staff from organisations including the organising committee, M2006, the Office of Commonwealth Games Coordination within the Department for Victorian Communities, Victoria Police, and transport operators, who were the backbone of the games;

(3) the 4500 athletes from across the commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;

(4) all those involved in the Commonwealth Games cultural program, Festival Melbourne 2006, who provided another element to the games, making it a truly unique festival; and

(5) all the people of Victoria, who through their unparalleled support and enthusiasm once again showed to the world that Melbourne is simply the best.

**Ms CARBINES** (Geelong) — On behalf of the government I am delighted to support the motion to congratulate everyone associated with the most successful Commonwealth Games ever. We know they were simply the best. That is said with some feeling from me, because I was born in Manchester and, as we all know, that city hosted the last Commonwealth Games in 2002. I was delighted to see my home state of Victoria and its capital city, Melbourne, host a fantastic Commonwealth Games over the last two weeks. Not only did we have the games, we also had Festival Melbourne 2006, which was a really excellent festival in which all of Melbourne and Victoria could participate.

In the lead-up to the Commonwealth Games we saw the Queen's baton relay going around the commonwealth nations. I understand that for the first

time in the history of the games the baton visited every commonwealth country, and I am sure that every one of those countries was united by the moment when the baton relay came to their country. In Victoria, and indeed in the whole of Australia, many people came out to see the baton go past, and it achieved great success in all of those communities. I spent some time in Winchelsea on the Saturday before the opening of the games when a number of local people had the honour of carrying the baton through the town. I think everybody who lives in Winchelsea came out to see it and also to see the opening of the memorial grandstand at the Winchelsea Football Club, which received funds from the Bracks government for its renovation as part of the Commonwealth Games funding. It was an exciting day in Winchelsea, and I was proud to be a part of it.

Like many members I was pleased to attend a number of Commonwealth Games events with my family. I was delighted to take my children to the opening ceremony. We had great fun clicking our dazzle balls — I am not quite sure what they were called — when we were asked to participate in the ceremony. We were all supposed to flicker blue and white, and like every other one of the 80 000 people who participated, we waited for the moment when we were told to switch ours on. It was a great opening ceremony, full of much promise when the athletes entered the arena. I am sure many people felt quite emotional to see the teams come in.

We also spent a day at the athletics. I was stunned by all the events, but particularly by the women's marathon. It was wonderful to see the women run out of the arena and then several hours later run back in and to see the great tussle for first place which was eventually won by Kerry McCann. It was one of the great inspiring moments in sport, and I was delighted that we were able to be there.

Another thing I thought was fantastic was the inclusion of elite athletes with a disability, which was an initiative of the Manchester 2002 Commonwealth Games. I think it is a particularly fine initiative to have athletes with a disability competing with other athletes. They must have enjoyed themselves participating in front of such enormous crowds in Melbourne; they were cheered on by everyone. The day I attended, which was the first day of the athletics, there was an event for blind runners. It was a short event — only 100 metres — but one of the participants ran a whole lap of the Melbourne Cricket Ground; he was obviously so stoked to be there. The whole crowd cheered him on: it was great!

My home town of Geelong hosted basketball at the Arena. I took my children along to see Barbados completely crush India on the Tuesday evening. It was a lot of fun and I was delighted to see so many Geelong families, just like ours, taking time out to see a Commonwealth Games event in our home town. The Bracks government has been delighted to assist Geelong by providing funds to allow the Arena to be secured in public hands. In my first term I was really pleased to play a role in securing the $1 million that was needed to purchase the Arena, which is now a great facility for basketball in Geelong.

We also had the waterfront celebration in Geelong. Thousands of residents came down to the waterfront to see the live screen showing events taking place in Melbourne. The evenings were very balmy, and there was a carnival atmosphere which complemented the Festival Melbourne 2006 events taking place in Melbourne. I thought the festival was vibrant and diverse and incredibly inclusive. If people could not get to Commonwealth Games events — could not afford them or had not been able to secure tickets — they were able to go along and participate in what was a wonderful carnival atmosphere. Who will ever forget the Commonwealth Games fish? I think they will provide an enduring memory of the games on top of the amazing sporting achievements we saw.

The organisation of the games was superb. I congratulate the organising committee and all involved in it, including Ron Walker and all the people he led. They deserve high commendation indeed. We have to thank them for 12 days of very smooth running across the events, across public transport, across public safety and, of course, Festival Melbourne 2006. Well done! Public transport was seamless. The Carbines family went on the train and the tram. We do not often do that, but we thought the public transport system worked very efficiently and was very clean, and I know there was a great atmosphere on stations where we waited and on the trains themselves. It added to the atmosphere and is part of why the games worked so well.

I congratulate members of the police and emergency services, who kept us safe. We all felt very safe walking around Melbourne. I know many police had to leave their normal locales to come into Melbourne for the Commonwealth Games. They protected and looked after us, and I thank them for what they did. They certainly added to the whole event.

The main people we should be thanking are the 15 000 volunteers who gave up their time and came into the city to look after us at the events. The aqua and orange army that everyone has spoken about was

absolutely superb. When I walked into the Melbourne Cricket Ground (MCG) to see the opening ceremony a lady came running up to me. She said, 'You are my member of Parliament. I come from Ocean Grove, and I am so pleased to be here. I have been so excited at the thought of participating, and I am really happy to be here'. She epitomised the Commonwealth Games volunteers. They added so much. They were all cheerful, friendly and enthusiastic; nothing was too much for them. They were helpful and gave directions, and they made sure that people leaving events found public transport easily. They represented all that is good about Victorian communities. On behalf of the people of Geelong I thank the volunteers for what they contributed to the Commonwealth Games.

It was a memorable Commonwealth Games. We have heard much about being united by the moment, which was the theme of Melbourne 2006. What we saw during the games was our capital city at its best. The games showed that Melbourne is a vibrant, livable cosmopolitan city, that it works well and that its people are by and large extremely good people who are capable of giving much and assisting others. The Commonwealth Games set a very high benchmark for what our state can achieve when we all work together. I was very proud to be a Victorian during the games, because I thought we displayed our state at its best. I am sure that everyone who participated in the games as an athlete, a volunteer, someone associated with the Melbourne 2006 organisation or a spectator would have felt that Melbourne did a great job.

I congratulate the Premier, the Minister for Commonwealth Games and the Minister for the Arts in the other house for the fabulous Melbourne 2006 games and Festival Melbourne. They certainly were the best games, and I am very proud of that, as we all are. I wish India all the best for 2010. I loved seeing its display in the closing ceremony on television. It was very vibrant and quite exotic. I am sure the Indian people will put on a fantastic Commonwealth Games in 2010.

Well done Melbourne — you simply are the best.

**Hon. C. A. STRONG** (Higinbotham) — The games were exceedingly successful. Melbourne felt particularly good and everybody enjoyed the whole procedure. I must say that I think the wording of the motion is a bit over the top. It says the games were 'the most successful Commonwealth Games ever held'. There is a little bit of hyperbole there, but notwithstanding that, it was a very successful event and all those involved should be congratulated. The games were very good.

If you were someone from outer space whose last visit to Earth was to Rome 2000 years ago and you popped into Melbourne for the Commonwealth Games, you would see great similarities. Melbourne enjoys its circuses, and it tends to go a bit over the top with them. No sooner did the Commonwealth Games finish than we had the grand prix, the comedy festival and the football — one circus after another. People say that these events bring economic benefits to the state, and to a certain extent they probably do, but as we all know quite a bit of recent media coverage has highlighted how these circuses are very significantly subsidised by taxpayers. Although it could be argued that they make taxpayers feel good, one is left to wonder if the money spent on subsidising them could be better spent on more productive activities. That is a question that we will need to address more and more as the number of circuses — and the enthusiasm of Victorian governments to put on these circuses — increases. The citizens of Victoria do like their circuses, but there has to be an end to them.

While I was listening to the various government members congratulating themselves on carrying out these games, I reflected on my analogy of the spaceman who had come back after 2000 years and had last seen these circuses in the Colosseum in Rome, as distinct from our colosseum at the Melbourne Cricket Ground. I wondered whether the senators in the Roman Senate 2000 years ago carried a motion congratulating Nero on the number of Christians crucified in the Colosseum. I say that slightly in jest. The truth of the matter is that the games were successful, but we need to call into question the extent to which we in Victoria are into circuses and the extent to which we should be harnessing some of the effort and money that goes into running these circuses for use in more productive activities. This question is not just aimed at this particular government but at all governments.

With those few comments I would like to say once again that I think Melbourne enjoyed the games and congratulate all those involved.

**Ms ROMANES** (Melbourne) — I am pleased to join other members of this house in supporting the motion of congratulations to all those involved in making the 2006 Melbourne Commonwealth Games such a success. That relates to the 14 000 plus volunteers who were always on hand to help and guide members of the public, the organisers who, along with the staff of various organisations and services, worked so hard and were indispensable to the smooth running of the games, the 4500 athletes, the performers in the cultural festival and the City of Melbourne, which made such a fantastic contribution to preparing the city for the

games and making sure it was functioning well throughout that period, which tested in every way the operations of the city at every level.

We have to remember that there was a unique combination of circumstances that made the success of the games possible and so popular as a result. That unique combination of circumstances may be difficult to ever replicate again. We had the school holidays scheduled to coincide with the games. Daylight saving was extended by a decision of the government. Public transport was available to the huge crowds — 75 per cent of those who attended games events and the cultural festival came to and left the city over extended hours by public transport. We had the volunteers, who were always there to give directions, spread good feeling and manage what were sometimes huge crowds. We had the wonderful balmy autumn weather, which was perfect for all the outdoor activities and certainly had people asking me whether the Premier had a hotline upstairs to provide such an unusual circumstance for Melbourne — 12 days of perfect weather. We had the clever programming, which spread the third travel peak of the day over the time when people were exiting the games and directed them and attracted them to other activities, including the cultural festival. We had the timing of the event, which provided a pool of talented performers to augment others from Victoria and from other parts of the world by adding the many exciting world-class acts that came to Melbourne after WOMADelaide 2006.

I noticed in the Committee for Melbourne members e-newsletter for April just a few days ago a message from Chairman George Pappas about the games:

> Last month Melbourne played host to the Commonwealth Games, and the Committee for Melbourne wrote to the organisers, led by Mr Ron Walker, AC, CBE, to offer our congratulations for the following reasons:
>
> > First, you broke new ground and included the whole city in the opening and closing ceremonies of the games through the use of fireworks, fish and footballers, and made the games a city event, not just a stadium event.
> >
> > Second, if we could not make it along to a sporting event, we could still enjoy the offerings of what must be one of the best cultural festivals Melbourne has staged.
> >
> > Third, your volunteers epitomised what the 'friendly games' were all about.
> >
> > Fourth, not once during the games did I fear for my personal safety or the security of others.
> >
> > Fifth, the entire ten days of the event underlined the fact that Melbourne has the best climate in the world for staging major events.
>
> My thanks go to the Melbourne 2006 Commonwealth Games team. You gave us even more reasons to be proud to live in Melbourne.

Members who have spoken to this motion have echoed similar sentiments, and I certainly concur with all that George Pappas has said. Certainly for my family the Commonwealth Games were an amazing opportunity to see a range of sports that I had never participated in or seen before. I will never forget the entertainment we experienced at the weightlifting — I now understand how it all works — or the amazing choreography of the activities at the Melbourne Cricket Ground, where the athletics meet was put together; how it all is so streamlined and also entertaining and exciting to watch.

Mr Strong warned us about being self-congratulatory, and it is important not to slip into being like that. As I have said, we were blessed with a unique combination of circumstances, and we had the benefit of amazing organisation and preparation for the Melbourne Commonwealth Games, but a measure of their success will be the legacies they leave. The Minister for Commonwealth Games, the Honourable Justin Madden, has said that to us repeatedly over the last few years.

I am aware that, as Ms Carbines said, the legacies of the Manchester Commonwealth Games influenced the way we did things here. I am also aware that following the Manchester games Lord Mayor So and Cr Kate Redwood, two of the councillors from the City of Melbourne who attended those games, came back as keen advocates of following the Manchester innovation of integrating the events for elite athletes with a disability. That was a terrific move. It showcased the sporting achievements of those who achieve amazing things but at a different level because of their disabilities. Of course, this level is no less impressive when you are watching them.

Another major initiative from Manchester which councillors So and Redwood championed was the introduction of a mobility centre. The Melbourne Mobility Centre has been set up at the interface between the car park at Federation Square and Birrarung Marr. I stumbled upon this centre when my parents and I went to see the sound and light show with the fish on the Friday before the end of the games. The Melbourne Mobility Centre is a very important addition to the facilities in Melbourne for people with disabilities. It will help with accessibility and inclusiveness. It is a very important legacy of the games.

Another legacy of the games is the cultural festival. It was one of the most appreciated aspects of the games. It

was a very clever and considerate way of making sure an extra probably 1 million people were able to be involved in the 2006 Commonwealth Games, even if they were not interested in sport, could not afford a ticket to one of the sports venues or could not get into one of the venues because of limited space. I am sure that in the end far greater numbers of people attended the cultural festival than attended the sporting events. The cultural festival included the river festival with the fish, which have been so popular, and the arts and cultural events centred around the Yarra and at key sites and venues in the central business district. It also included the peripatetic performers who entertained people on the move throughout the city. The festival's clever programming helped to stagger the peaks on transport services. Although it may never be able to be replicated on such a scale, undoubtedly many lessons have been learnt to inform future cultural festivals and programs.

A further legacy is the world-class performance of the public transport system during the 2006 Commonwealth Games. We saw around 1.8 million people travel to and from games events on top of the normal commuter load. In total there were an additional 4 million trips on our buses, trams and trains during the 12 days of the games. V/Line sold about 100 000 of the $10 tickets to people travelling to Melbourne as games spectators or volunteers. Furthermore, Metlink surveys showed that 90 per cent of people taking public transport to events rated the service as good or excellent. The staff of the public transport system worked tirelessly to make that happen, and public transport users got into the spirit by being patient and planning ahead. The amazing legacy of this unprecedented use of the public transport system is it showed how livable Melbourne might be if it were not being choked by cars. Many people had their first opportunity to experience the public transport system, and we hope they will go on using it and thereby contribute to a more sustainable city in the future.

One further legacy of the games is a wonderful exhibition which is currently running at the Melbourne Museum called Spirit of the Games. I took my parents to see this exhibition on Sunday. I urge members of the house and the community to take the opportunity to visit Melbourne Museum in the next three months and have a look at the costumes, the props, the stories and the collection of items which explain the enormous effort that went into staging the opening ceremony of the games. It is a fascinating behind-the-scenes look, through interactive video and other means, at the way a team of people can pull together such a complex and difficult event which is to be staged over a very short period of time but which involves so many people in such a creative way.

Finally I would like to congratulate the Minister for Commonwealth Games, Justin Madden, who is in the house. I am sure he had some sleepless nights worrying about what could go wrong in the lead-up to and during the 2006 Commonwealth Games. However, he is looking very relaxed here now, having presided over such a successful event that was so well received by the community and the Commonwealth Games family. I congratulate him, his team and all those who worked to help him deliver the biggest sporting and cultural event Melbourne has ever witnessed.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I will be brief; I will try to get through this pretty efficiently. I want to take this opportunity to thank all members of this Parliament for their contributions, positive or otherwise, not only to this debate but in the lead-up to the games, and for their inquiries about the preparations for the games and how they were coming together. This was not only a great credit to the Parliament but also did justice to the event overall and assisted in the delivery of the games.

I want to briefly put on the record my personal thanks to many of the people associated with the games. I will not mention all of the names but I will mention a number of representatives from each of the bodies which came together for the games. I will not talk about the statistics or the figures because we probably have a lot of those on record and in many ways they are self-explanatory in terms of the overall success of the games.

To start with I would like to thank very much the chairman of Melbourne 2006, Ron Walker, and all the board members who were involved in the delivery of the event per se. I also thank John Harnden, the chief executive of Melbourne 2006, and the hundreds of officers who worked at the offices of Melbourne 2006. I would like to particularly thank Meredith Sussex from the Office of Commonwealth Games Coordination. A number of these people are looking very tired at this point in time, and deservedly so — they have put in enormous hours and done a spectacular job. I want to thank all the officers in the Office of Commonwealth Games Coordination who made a contribution to the success of the games.

The Australian Commonwealth Games Association and its president, Sam Coffa, and chief executive officer, Perry Crosswhite, assisted in delivery of the games. In addition, I thank the board members of Melbourne 2006 who worked jointly with representatives of the

Australian Commonwealth Games Association. I thank the City of Melbourne for its significant contribution, not only in terms of the financial support but also the enormous goodwill and its ability to allow the city to operate in a way which is probably unparalleled in the history of the city. I particularly thank Lord Mayor John So and all the officers involved in that. I would also like to acknowledge the federal government and its contribution and support. It was represented by the federal Minister for the Arts and Sport, Rod Kemp, who showed a keen interest and contributed through his hard work in this area.

In particular I want to thank the workers as well as the athletes, the volunteers and the performers who have been spoken of at great length throughout the course of this debate. It is pretty amazing to see the statistics on the number of athletes and the enormous number of volunteers and performers. I thank also the workers for the goodwill they showed in the lead-up to the games, particularly the construction workers, the transport workers, all the service industry workers and the police and security personnel who gave enormous amounts of their time either in the lead-up to or at the time of the games to make sure everything operated harmoniously.

I also want to thank members of this Parliament, in particular my caucus and ministerial colleagues, but all members of Parliament for their support. I know many members of Parliament took every opportunity to promote the games in their electorates, by the presentation of flags or in other ways. They were out there singing the praises of the Commonwealth Games, and I thank them.

What was particularly important about that was that because we had so many community representatives, whether they were parliamentarians, local councillors or representatives, out there supporting the games, the success of the games can really be attributed to the enormous grassroots support that developed right throughout Victoria. That was complemented by the involvement of local councils in their Getting Involved opportunities through the program that was presented to them and the Adopt a Second Team program. Again, I think that exceeded people's expectations.

The effect of councillors and members of Parliament in each of these areas getting out and talking up the games — promoting them — cannot be overestimated in terms of the huge turnover in ticket sales. That was paralleled by the policy decision to make the games inclusive at every opportunity by including elite athletes with a disability and through the involvement of local councils and their communities — the regional involvement — in the games activities, whether it be live sites, festival activities or the baton going through each local government area.

Wherever we had an opportunity to give local communities a piece of the action, we tried to do that. That paid dividends in spades — probably more than spades, in buckets — in the sense that we sold enormous numbers of tickets and an enormous number of people turned out to attend the games. The goodwill generated through that and the support and the recognition and the overall sense of wellbeing and utopia presented within the city and around the state throughout the course of the games is very much about what one big team can do together. If the games represents anything, it is what can be achieved with an enormous amount of goodwill, enthusiasm and dedication.

I want to thank the staff in my office. They know who they are, but I wish to personally thank them. I will leave it at first names: Phil, the chief of staff; Val, for doing the hard yards every day; Nataly, who worked tirelessly on the games; Amanda, who worked very much with local members of Parliament and communities spreading the word of the games; Ben, Rachael and Jen; and former members of staff who made a significant contribution, Barry, Jeff and Lloyd. All of those are outstanding people in their own right, but their contribution to the games and the amount of time and effort they put in to make sure that not only were they doing their job but also looking after the minister in terms of presenting himself in this place. I want to recognise their contribution and thank them.

Again, the games were great. It has been a great privilege, a great honour and a great joy. To all the members of Parliament and those right across the community who made the games the success they were, I take this opportunity to offer my professional and personal thanks. I look forward to what this state holds for all of us in the future when the benefits derived from them in both the short and long terms will be presented to us.

**Motion agreed to.**

## ADJOURNMENT

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

That the house do now adjourn.

## Planning: Beacon Cove development

**Hon. ANDREA COOTE** (Monash) — I have a question for the Minister for Planning in the other place about the Beacon Cove precinct. I am quite passionate about this issue and really mean what I ask the minister to do for us. I will reiterate what has happened in the Beacon Cove area and the planning precinct. We have had three ministers for planning. We have had the very ineffectual Minister Delahunty; we then had Minister Thwaites; and now we have a part-time minister, Minister Hulls. In fact none of these ministers has been a full-time planning minister. They have all shared planning with something else, which goes to show that planning is not a high priority for the Bracks government.

However, my concern is that today we have yet again seen Minister Thwaites out there in his electorate talking about Beacon Cove and the new beach. Today's *Herald Sun* states:

> Environment minister John Thwaites said the new foreshore was a great area to visit.

Today's *Age* states:

> A spokesman for the state government said a range of options for the pier were being considered.

Princes Pier is looming as a huge issue. The *Herald Sun* article also states:

> Port Phillip Mayor Janet Bolitho said restoring the heritage-listed Princes Pier was the next priority.
>
> 'It's now unsafe and unsightly and we're really calling on the state government to make this the next item on the agenda', she said.

I do not have to remind this house too strongly that a precinct committee was established under Minister Delahunty. This committee has worked diligently and for long hours representing its community. It has been very concerned about this issue. Indeed the final report was to have been released some time ago, but it is now seven and a half months since it was presented to the minister and there has been no indication yet as to the response by the minister or the government. The community representatives continue to be regularly approached by the community for advice as to what is happening — they want to know if the final report is still with the minister.

Will the Beacon Cove Precinct Committee's final report response be released by the minister within the next two months? It is of grave concern particularly to local members of that committee, including Ron Cassano, Bob Harrison and Michael Blyth, who are to be commended because they have worked very hard.

## Police: Ballarat cells

**Hon. RICHARD DALLA-RIVA** (East Yarra) — My adjournment matter relates to the perennial issue of police cells and is directed therefore to the Minister for Police and Emergency Services in the other place. It relates to the overcrowding of the cells at Ballarat police station last weekend. The police were to conduct an operation to lock up drunks and to handle antisocial behaviour and licensing breaches at the weekend. The information is that their efforts were somewhat hindered because there were 20 prisoners in the police cells. The matter not only involves the operations of police in the area of Ballarat but also the question of how police can undertake a clean-up operation when the cells are full.

I know the government talks about the two new prisons, but it is clear that even with those prisons it may be difficult to deal with such an operation. The police cells are not designed to handle long-term prisoners, which places a further drain on the capacity of police to be on operational duties. The cells are not designed for long-term prisoners but merely as quick holding facilities before the prisoners are placed either in the Melbourne Remand Centre or in the relevant prisons throughout the state. This is not a new issue for the minister. The issue of police cells being full is becoming all too common, be they in other regional centres such as Geelong and Bendigo or in metropolitan Melbourne.

I therefore ask the minister what action he intends to take to deal with the continual and perennial problem of police cells being full of prisoners who should have been placed in the correctional system and not held in cells at various police stations not only in Ballarat but also in Geelong, in other regions and in metropolitan Melbourne.

## Schweppes Centre, Bendigo: chief executive officer

**Hon. D. K. DRUM** (North Western) — My adjournment matter is directed to the Minister for Sport and Recreation and concerns Bendigo Stadium Ltd, which runs the Bendigo Schweppes Centre. It has just terminated its contract with the chief executive officer, Mr Steven Batty, who was brought in to run the centre eight months ago. It seems that, while he had an extremely positive impact on the management of the entire complex, he has nevertheless been sacked.

There have been revelations about insurance premiums that historically were paid at the rate of 350 per cent above what they have been scaled back to since Mr Batty was brought in to clean up some of the issues. There have also been claims that up to 10 cars were being leased to staff who were clearly not qualified to receive such benefits.

Occupational health and safety issues were not in place prior to Mr Batty's arrival and enterprise bargaining agreements had not been entered into with staff. Totally inept contractual agreements with Melbourne 2006 for the staging of the Commonwealth Games regional basketball series were entered into by the previous management, and those agreements have cost Bendigo ratepayers over $150 000.

In 2003–04 there was a revamp of the Bendigo Schweppes Centre, but in spite of the centre receiving a state government grant of $2.4 million and in spite of its being given an additional 20 electronic gaming machines — proceeds from 10 of which were supposed to be for the benefit of the community and other sporting organisations, not just basketball — Bendigo Stadium Ltd is now unable to make its repayments on time. The City of Greater Bendigo has again helped out with recent financial assistance in order to have the stadium continue to operate without buckling under the financial pressure.

My request to the minister is that he provide me with all the business plans that were presented to him by the proposers of the redevelopment of the Schweppes Centre and make available to me the details of any other state government assistance given to the centre in any form whatsoever in the last five years. Somehow in the last two to three years the projections that were outlined in the business plans that would have led to the success of the grants in the first place have gone horribly wrong. Now the stadium is unable to repay its loans within the specified time frame. It seems that given the financial and managerial mess the stadium now finds itself in there is no option for Bendigo Stadium Ltd other than to open its books entirely to independent personnel on behalf of Bendigo ratepayers and Victorian taxpayers to see whether they can get to the bottom of this.

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

## *Drawn on the Issues* pamphlet

**Hon. BILL FORWOOD** (Templestowe) — I wish to raise a matter with the President tonight concerning the good display of cartoons that took place recently in Queen's Hall entitled Drawn on the Issues and the pamphlet that accompanied it. I refer in particular to the second-last page, which has a Spooner cartoon from the *Age* of 5 May 2004. It shows a jar labelled, 'Brumby's surplus conserve — refrigerate when opened'. The cartoon accompanied a Tim Colebatch article that appeared in the metropolitan edition under the heading 'The budget of small things', which talks in some detail about the size of the surplus in Victoria.

It makes the point that the government had come in with a policy of having budget surpluses of $100 million each year and it had kept that promise, and 2004 was the fifth year under this government when there had been a surplus. The surplus that year was large — I think it was $500 million-odd. Of course, honourable members in this place would know that it was the Kennett government that returned the state to the black after the dreadful days of the Cain and Kirner governments, which had damn near bankrupted Victoria, and got back the state's AAA rating.

I was most concerned when I read the script beside the cartoon in the book *Drawn on the Issues*, which is printed by the parliamentary library. It states:

> Treasurer John Brumby delivered a bumper budget surplus in 2004, creating a large cash '*conserve*' and putting Victoria back in the black.

Honourable members know that 'Putting Victoria back in the black' is a technical term for taking it out of the red, where it had been put by Kirner and Cain, which was done by the Kennett government in the middle of the 1990s. It is appalling that this mistake can be made.

I understand there was an editorial committee chaired by the Speaker. While it would be churlish of me to accuse the Speaker of rewriting history, and I am prepared to accept that this is an inadvertent error of fact, what I would request is that all copies of this be very quickly withdrawn and pulped and that — —

**Hon. T. C. Theophanous** — On a point of order, President, I have enjoyed the honourable member's contribution in the adjournment debate. I was not quite sure if it was just a humorous contribution or something more serious, but I think on reflection it is probably sinister. The member is trying to draw to your attention a document which has been produced to highlight cartoons that have been produced over a period of time.

**The PRESIDENT** — Order! One hundred and fifty years.

**Hon. T. C. Theophanous** — One hundred and fifty years. The member went to the issue of the words in the

notes accompanying the cartoon and then went on to make what I consider to be a political argument about who put the state into the black, when it happened and the meaning of putting the state into the black. He is therefore trying to simply use as a device a question to you which should more rightly be put to the Treasurer as to whether the state is indeed in the black, whether it was put into black by the present government and whether the Treasurer will continue to maintain this state in the black.

I put it to you, President, that this question is misdirected and should be directed to the Treasurer, who is the appropriate person to outline to the honourable member the good work that he has done in keeping the state in the black.

**Hon. BILL FORWOOD** — On the point of order, President, far be it for me to take issue at any length with my honourable friend opposite, but the point I wish to make is to do with the Parliament and not with the issue of the state being in the black, which the member and I both agree is a good thing. The issue is one of accuracy and of historical record, because what is important in this place particularly is that documents produced by the Parliament are seen to have veracity. This document cannot have veracity unless it is corrected. I put it to you, President, that there is no point of order.

**The PRESIDENT** — Order! The member, as is appropriate, has spoken to me about the matter, and I will deal with it at the conclusion of the adjournment debate. I ask the member to continue for the 25 seconds he has remaining.

**Hon. BILL FORWOOD** — I reiterate my call for all existing copies of this document to be pulped, for a retraction to be issued and for the document to be reissued and worded properly. It should indicate that Treasurer Brumby had kept the state in the black following the good years — —

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

## Ararat: gasworks site

**Hon. DAVID KOCH** (Western) — My matter is for the Minister for Environment in another place and concerns advice given by the Environment Protection Authority (EPA) to the company involved in remediation works at the old gasworks site in Ararat. These works involve the removal of odorous material, mainly soil contaminated with natural gas, from the gasworks site by Environmental and Earth Sciences (EESI), which is a subcontractor for SP AusNet, the owner of the site. This company is undertaking a clean-up program of eight former state-government-owned gas sites throughout regional Victoria to rehabilitate the land for local development. There have been a number of issues with the works carried out at Ararat relating to odour and dust problems affecting nearby residents. While they have been given assurances that there are no short-term health implications, residents are still concerned about possible long-term health problems.

However, apart from the community's reaction to the serious problems of odour and dust, resulting in some local residents complaining of ill health since the works commenced, the major problem is EPA's advice that no planning permit was required for the remediation works to be undertaken. The EPA in fact gave permission for soil from other contaminated sites to be brought to the Ararat site, again without requesting that the company apply for a planning permit from Ararat Rural City Council.

The EPA was wrong in not requesting that the companies involved seek a planning permit before the works commenced. Advice given to councillors that a permit was not required has been found to be misleading. Unfortunately, in the absence of a planning officer at the time, councillors relied on planning information that could have been more conclusive. Even though the company involved was informed that a planning permit was not required, after verification by the Municipal Association of Victoria it became clear this was not the case.

The EPA has since admitted that its former advice was incorrect and that a planning permit should have been sought before the remediation works commenced. While EESI has agreed that further remediation works will not be undertaken at Ararat until further community consultation occurs, the community wants an ongoing moratorium until a thorough investigation is completed. The manner in which the EPA and the company involved initially acted in this process denied the community any consultation, was disrespectful and left a community feeling its concerns were being ignored.

I therefore ask the minister to explain why the EPA initially misled the contractor and the Ararat Rural City Council by not advising it of the need for a planning permit to undertake these decontamination works.

**The PRESIDENT** — Order! With respect to the member's request to the minister, asking the minister to explain something is not a request for action, so I will

give the member the opportunity, whilst other members are presenting their adjournment matters, to reword his adjournment request.

## Barmah State Forest: flooding

**Hon. W. R. BAXTER** (North Eastern) — I raise a matter tonight for the attention of the Minister for Environment in another place regarding unseasonal flooding in the Barmah State Forest. As honourable members will be aware, we are now in autumn, a very dry period, when under natural conditions the forest would be quite dry. A man-made flood was generated in spring last year, which was highly beneficial and which meant that the forest was flooded at the time it would normally be flooded under natural conditions.

However, I am informed that a good deal of water is presently escaping from the Murray River into the Barmah forest. The river is running at high levels to get irrigation water down to the Sunraysia and South Australia. There is nothing unusual about that whatsoever — that is the normal practice every year — but apparently the regulators are either not being correctly operated or leaks are occurring, because I am informed that there is a significant amount of water at Boals Deadwoods, for example, and on the weekend a horseman riding through at the Duckholes had water up to the girth.

Clearly if there is that much water in the forest at the wrong time of the year, it is doing the trees no good at all. There is mismanagement somewhere along the line. I ask the minister to carry out an urgent investigation with a view to restoring the situation that applies normally by stopping the ingress of water into the forest from the river. At this time of year, very little if any water ought to be escaping into the forest.

## Q fever: vaccine

**Hon. E. G. STONEY** (Central Highlands) — I raise a matter with the Minister for Health in the other place with regard to the shortage of Q fever vaccine. Q fever is an industrial disease spread by farm and native animals' entrails and has quite a nasty effect on people's hearts. CSL is the manufacturer of the Q fever vaccine. At one stage it stopped making it, but the federal health minister, Tony Abbott, intervened to make sure some production would continue.

Dr Graham Slaney at Mansfield is trained and registered to administer this vaccine. Two months ago he administered five or six doses; he now has 50 people wanting to be vaccinated, but he cannot get any more vaccine. He was told that there would be none available this year and, 'Don't hold your breath for next year'. It appears CSL has stockpiled quantities of the vaccine, but it is only giving it to abattoir workers and not primary producers or carriers of livestock.

**Hon. T. C. Theophanous** interjected.

**Hon. E. G. STONEY** — Why don't you listen, Minister, and you will find out! The *Weekly Times* of 22 March reports:

> Australian meat processors have warned they face a 'crisis of monumental proportions' with stocks of Q fever vaccine due to run dry by August.
>
> …
>
> CSL made the decision to close its Q-Vax plant last November because bringing the facility up to standard would require a $6 million investment, which it said was not commercially viable.
>
> It changed its decision after a backlash from industry groups and unions and following discussions with the federal government.

I ask the minister to assist the federal minister by applying pressure and giving any assistance that the state government can provide to enable CSL to continue to produce Q fever vaccine.

## Seymour Pump Shop: business name

**Hon. W. A. LOVELL** (North Eastern) — My adjournment debate issue is for the Minister for Consumer Affairs. I have been contacted by Mr Jack Tennant, who is the proprietor of Seymour Pump Shop, a business that deals in the sale and servicing of water pumps. Prior to establishing his business Mr Tennant registered his business name with Consumer Affairs Victoria and was issued with a certificate of registration of the business name in October 2003. Seven months later in May 2004 Mr Tennant received a notice from CAV stating that it was deemed that his business name, Seymour Pump Shop, could be confused with an existing business name, Seymour Pump Supplies, and that his business name would therefore be cancelled under sections 9(1) and 10(1) of the Business Names Act.

Mr Tennant was naturally surprised to have received this notice as the proprietors of Seymour Pump Supplies had announced their retirement and sold their business some years earlier to Reece Plumbing, and the store has operated as a Reece Plumbing store since 2000. Mr Tennant lodged an objection to the notice, and the then Minister for Consumer Affairs withdrew the notice, allowing Mr Tennant to continue to trade as the Seymour Pump Shop.

Mr Tennant thought that would be the last he would hear of the matter and set about building his business, investing heavily in signage, advertising and telephone directory listings to raise the profile of the business and build goodwill associated with the name Seymour Pump Shop. You can imagine Mr Tennant's surprise when on 20 December 2005 he received further correspondence from Consumer Affairs Victoria — no, it was not a Christmas card but rather a letter that ruined his Christmas. It was a further notice advising him that after two and a half years of granting him the business name registration CAV had for the second time decided that the name would be cancelled.

Mr Tennant is distraught about the situation he has now been placed in. It is a situation that is completely unjust as Mr Tennant has done nothing wrong. He has complied with the requirement to register his business name and was granted registration. He cooperated with CAV during its first investigation of his business name in 2004 and was successful in having that notice cancelled. He spent two and a half years and thousands of dollars on signage, printing, advertising and telephone listings to establish his business and build goodwill associated with the name, Seymour Pump Shop.

Mr Tennant is trying to run a small business in country Victoria, and this situation, which is completely out of his control, will place severe financial pressure on his business. I ask the minister to recognise that CAV has handled this matter extremely badly and to intervene by withdrawing the notice and reinstating Mr Tennant's business name registration to allow him to continue trading under the business name Seymour Pump Shop, as it was registered by CAV in October 2003.

## East Gippsland: firewood collection

**Hon. P. R. HALL** (Gippsland) — I wish to raise a matter for the attention of the Minister for Agriculture in the other place concerning commercial firewood licences in East Gippsland. Yesterday I was contacted via separate phone calls by two constituents who were rather agitated about the lack of firewood availability in East Gippsland. Those constituents are Mr Ron Beker of Genoa and Mr Phillip Counsel of Mallacoota. Both of these men hold commercial firewood C licences, which enable them to cut 20 cubic metres of firewood at, I might add, the direction of the Department of Sustainability and Environment (DSE), which allocates a timber resource to them.

In the past the practice has been that a coupe has been allocated to them, and they would harvest it for local firewood consumption. I point out that firewood is still a main source of heating in East Gippsland and other parts of regional Victoria that do not have access to natural gas. Particularly as winter is rapidly coming upon us, the issue of firewood availability is going to be essential for the people in my electorate.

I have been informed by both of my constituents that there have been no recent allocations to commercial licence-holders, so there has been a firewood shortage in East Gippsland. I am informed that this has resulted in the DSE itself recently felling a significant number of yellow stringybark trees and encouraging locals to go and collect it for themselves — I might add, under permits, but very much limited permits compared to those of the commercial firewood holders.

I do not want to restrict the opportunities for people to collect firewood themselves, but it is true that many in our communities do not have the ability, expertise or knowledge to go and collect their own firewood and they rely on the service and product being provided by commercial licence-holders. It seems to me to be far more practical, safe and efficient to have professional cutters collect material and then sell it on to those who are unable to collect it for themselves. It seems that the government policy, Our Forests Our Future, failed to give due consideration to the need to have adequate and appropriate supplies of firewood for people to use, particularly for heating purposes, and the problem seems to be one of great issue at the moment in East Gippsland.

This is a significant issue. I call upon the minister to sort out the mess to make sure that the commercial licence-holders in East Gippsland are given a reasonable and appropriate allocation so that they can continue to harvest firewood to satisfy the needs of all those in East Gippsland who remain reliant upon it.

## Ararat: gasworks site

**Hon. DAVID KOCH** (Western) — In relation to my request on the Ararat gasworks remediation, will the Minister for Environment take action to inform the Ararat community what the Environment Protection Authority has done with regard to the planning permit problems I have outlined before further decontamination works continue?

## Responses

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — The Honourable Andrea Coote had a question for the Minister for Planning in the other place in relation to the Beacon Cove planning committee

report. I will pass the member's request on to the relevant minister for response.

The Honourable Richard Dalla-Riva had a question for the Minister for Police and Emergency Services in the other place in relation to his claims about overcrowding at the Ballarat police station. I will pass on his comments to the minister for response.

The Honourable Damian Drum had a question for the Minister for Sport and Recreation in relation to the Schweppes Stadium in Bendigo, which covered a large number of issues, including the alleged sacking of the chief executive officer and a range of other matters and ultimately wanted business plans. I will pass that request on to the Minister for Sport and Recreation for his response.

The Honourable Bill Forwood had a question for the President, and I am sure the President will respond to him in an appropriate way, informing him of the surplus budgets we have had.

The Honourable David Koch, on his second attempt, asked a question relating to a gasworks site at Ararat. I will pass that on to the Minister for Environment in the other place to see if he can respond to the member.

The Honourable Bill Baxter had a question for the Minister for Environment in the other place in relation to the Barmah State Forest flooding. I must say that it was one of the better adjournment matters that I have heard during my time here, and I will definitely pass it on to the minister for response directly to the member.

The Honourable Graeme Stoney had a question which he also raised during question time — —

**Hon. E. G. Stoney** — It was different altogether.

**Hon. T. C. THEOPHANOUS** — The member assures me it is different altogether, but it still has to do with Q fever vaccine, and it is addressed to the Minister for Health in the other place. Mr Stoney is concerned about the supply of that vaccine and I will pass his concerns on to the minister for response.

The Honourable Wendy Lovell had a question for the Minister for Consumer Affairs in relation to the Seymour Pump Shop and its business name. I will pass her request on to the minister for response.

The Honourable Peter Hall had a question for the Minister for Agriculture in the other place in relation to commercial firewood licences in East Gippsland, including the continuing availability of firewood for heating purposes. I will pass his concerns on to the minister for response.

**The PRESIDENT** — Order! The Honourable Bill Forwood raised a matter with me with respect to the fabulous cartoon exhibition in Queen's Hall, which is part of the 150th celebration of this Parliament. Mr Forwood refers to the brochure mentioning a cartoon relating to Brumby's surplus conserve and the notes before it.

The notes refer to Treasurer John Brumby delivering a bumper budget surplus in 2004 creating a large cash conserve and putting Victoria in the black. I believe the description of the cartoon that refers to Treasurer John Brumby creating a very large surplus — and I think Mr Forwood even referred to the full article saying that the cartoon relates to a surplus of about $500 million — and the words associated with the cartoon are acceptable. There will not be any question about pulping the information.

**Hon. Bill Forwood** — On a point of order, President, far be it for me to question the ruling of the Chair, but I request that the Chair consider carefully the impact of the ruling, which indicates that factually incorrect material — —

**Hon. T. C. Theophanous** — It is not factually incorrect.

**Hon. Bill Forwood** — It is!

**The PRESIDENT** — Order! There will be no debate across the chamber. The Chair has ruled. The member has asked for the ruling to be considered, and that is in order. We are not going to have a debate between members across the chamber.

**Motion agreed to.**

**House adjourned 5.23 p.m.**