

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 24 August 2006

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The Lieutenant-Governor

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

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

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

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

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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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

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Thursday, 24 August 2006

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

**CATCHMENT AND LAND PROTECTION
(FURTHER AMENDMENT) BILL**

Introduction and first reading

Received from Assembly.

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

PETITIONS

Racial and religious tolerance: legislation

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the **Racial and Religious Tolerance Act 2001** be repealed (32 signatures).

Laid on table.

Human rights: legislation

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the **Charter of Human Rights and Responsibilities Bill** be defeated by the Legislative Council (32 signatures).

Laid on table.

SUPREME COURT JUDGES

Report 2004–05

Hon. J. M. MADDEN (Minister for Sport and Recreation) presented, by command of the Governor, report for 2004–05.

Laid on table.

**DRUGS AND CRIME PREVENTION
COMMITTEE**

Misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs

Mr SCHEFFER (Monash) presented report, including appendices, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Mr SCHEFFER (Monash) — I move:

That the Council take note of the report.

The interim report of the Drugs and Crime Prevention Committee's inquiry into the misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria presents an overview of the issues that should be examined in a later fuller inquiry. The committee was asked to examine the nature, extent and culture of the misuse/abuse of these drugs and to look at the short-term and long-term impacts of harms. It was asked to study the relationship between benzodiazepines and other forms of pharmaceutical drugs, to review the existing strategies for dealing for their misuse and to recommend ways to address the problems through better regulation, law enforcement, education and treatment responses — too much to be dealt with properly in the remaining months of the term of this Parliament.

The interim report is therefore a scoping study that introduces interested persons to the issues surrounding the misuse of benzodiazepines and narcotic analgesics. This interim report also gives an overview of how the production, prescription and retailing of these drugs is managed by medical officers and pharmacists and discusses how information is disseminated and the public is educated to reduce harm. Finally, attention is given to treatment issues.

The committee found that there are serious gaps in knowledge about the extent and consequences of prescription pharmaceutical drug abuse in Victoria. Current information available to prescribers and dispensers and the monitoring systems relating to benzodiazepines and other forms of pharmaceutical drug use and misuse is not optimal, and this limits the ability of prescribers and dispensers to identify high-risk behaviour, such as doctor shopping, and reduces the capacity to develop effective prevention responses. The inadequacy of current systems was consistently raised by a significant number of experts.

The Internet is providing new challenges that need to be looked at. People can access medications on the Internet legitimately and illegitimately, and this has the potential to seriously affect pharmaceutical drug misuse. The role of pharmaceutical companies needs further consideration because they have a responsibility to reduce the misuse potential of their products. A concern is that when regulators put pressure on companies to do this, as happens in the United States of America, the companies may respond with relatively easy actions, such as providing information and training rather than changing the formulations of their drugs to make them less dangerous or harder to misuse. The responsibility and role of pharmaceutical companies with regard to the misuse of their products must therefore be carefully examined.

The committee has gathered valuable evidence from a number of individuals and organisations, and I would especially like to thank those people who came forward to share their personal or family experiences of struggle with the terrible effects that these pharmaceutical drugs can have. The committee found these personal insights to be extremely valuable and admired the courage, strength and determination of these fine people.

I pay tribute to the work of my fellow committee members, Deputy Chair Robin Cooper, Kirstie Marshall, Ian Maxfield, Bill Sykes and Kim Wells from the other place and the Honourable Sang Nguyen from this house for their exceptional contributions. I give special thanks to Robin Cooper for his strong support throughout the time I have chaired the committee and for his remarkable attention to both the detail of the technical content of the complex material we have had to deal with and to the bigger picture issues. I wish him well in his new life after Parliament. I would also like to thank Professor Steve Allsop, Associate Professor Simon Lenton, Dr Susan Carruthers and Mr James Fetherston, all of the National Drugs Research Institute, Curtin University of Technology, for their valuable work as consultants to this inquiry.

This is the final report of the Drugs and Crime Prevention Committee for the 55th Parliament and, on behalf of the committee, I pay the very greatest tribute to the extraordinary work of the Drugs and Crime Prevention Committee research and support team: executive officer Sandy Cook, senior legal research officer Peter Johnston, and office manager Michelle Summerhill. Their dedication, research expertise, breadth of knowledge and intellectual acumen enables the Drugs and Crime Prevention Committee to achieve the recognition and universal respect it does both at home and internationally. Personally, I learned much from these remarkable people, and I am sure I speak on

behalf of the whole committee when I say it has been a privilege to work with them during this parliamentary term.

ROAD SAFETY COMMITTEE

Driver distraction

Hon. B. W. BISHOP (North Western) presented report, including appendices, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Hon. B. W. BISHOP (North Western) — I move:

That the Council take note of the report.

I am delighted to present the report by the Road Safety Committee on its inquiry into driver distraction. It is a good committee and we get on very well. The committee comprised the chair, the member for Geelong in the other place, Ian Trezise; the member for Frankston, Dr Alistair Harkness; the member for Ivanhoe, Craig Langdon; and the member for Polwarth, Terry Mulder — all from the other place. From this house is the committee's deputy chair, the Honourable Graeme Stoney; the Honourable John Eren, and me.

It is fitting I should say how well the committee does get on. One of the reasons for that is the capacity of the chair, the member for Geelong, to manage it well. It is a great pity that Ian cannot be in the other house today because he is attending his father's funeral, who sadly passed away at the weekend. I know the committee members and members of the house extend their sympathies to Ian, Jenny and the family on the passing of their father.

As I say, it is a pity Ian cannot be in Parliament today because he did an awful lot of work on this report. He managed to get us through without any major difficulties. If we ran into a bit of a problem, he would hold us back, move around the problem, and we would all settle down. As I said, we got on particularly well, and the report is a good one.

The other reason we got on well and been able to present good reports is that we have good staff. It is absolutely essential that committees have staff to manage the process, including having good researchers who can put the reports together. Ms Alexandra Douglas was the committee's executive officer for the first part of the report but she has been seconded to put together a huge young driver research project, if my

memory serves me right, that will cover about 14 000 drivers in Victoria and 14 000 in New South Wales, then to have that linked with the commonwealth.

When Alex left, Richard Willis came along. Richard is a real acquisition and a very professional executive officer. I am sure when Alex returns, Richard will be snapped up in other areas without any problem at all. They were supported very strongly by Graeme Both and Marilyn Johnson, the research officers. In the early stages, Heidi Milton-Young was the office manager, then Vanessa Hamilton took over. I thank all of the staff who contributed to the report the committee has been able to present to the house.

The committee has conducted and reported on a number of inquiries including into older drivers, roadside objects, and the country road toll. At the moment we are looking at pedestrian safety. The reference on driver distraction was tough because little or no research had been done on it, and the definitions of 'distraction' were wide ranging. There was no international recognition of a single set of definitions. In the report the committee calls for the development by road safety authorities of a clear definition of 'distraction'; we also need those categories to be clear as we to move forward in our work.

The committee had a very clear view about 'distraction', and while people in other countries around the world, and perhaps many in Australia, would link that with 'inattention' — and some countries would combine the two — we did not agree with that at all. In fact, the committee is very clear about that definition.

The committee also resisted concentrating on mobile phones. It believed they were overrepresented in the research that had been done and so took a broader view. In the small amount of time I have at my disposal I want to say that I think the committee covered the process particularly well. I commend to members the front cover of the report, which portrays a driver and other forms of distraction. He has his computer, a drink of some kind and a notepad on the steering wheel. I might add that the cover of the report also shows advertising road signs, which are an outside-of-car distraction. The committee went widely into the areas of distraction.

I believe the 31 recommendations made by the committee are a good reflection of the work it has done. The front cover of the report should certainly catch people's attention. This is a good report, but as we have all agreed, more work is needed. I wish the new committee — —

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

Hon. E. G. STONEY (Central Highlands) (*By leave*) — I am pleased to follow Mr Bishop, who has really put in to this committee over the years. The chairman of the Road Safety Committee, the member for Geelong in the other place, Mr Ian Trezise, wrote the foreword to the report. It states:

The Road Safety Committee is pleased to present this report into driver distraction, an under-recognised road safety issue not only in Victoria, but throughout Australia.

One of the problems faced by the committee during the inquiry was the lack of a clear definition and information systems which measure distraction and its role in crashes. The committee calls on Victorian road safety authorities to develop clear definitions, categories and suitable crash data reporting in order to understand the extent of the problem and to develop appropriate countermeasures.

Mr Trezise goes on to say that distraction issues are much wider than just the populist ones, such as mobile phones, where everyone has jumped on the bandwagon. From the evidence the committee received, it is obvious that much more work needs to be done on the other and sometimes hidden distractions that are perhaps not as sexy and a lot harder to pin down than mobile phones.

The report concentrates on the way forward, and states:

The committee sees a need for the profile of driver distraction as a road safety issue to be increased in Victoria. This includes an increased profile in VicRoads strategies, driver training and school road safety programs, and publicity.

The committee propose that VicRoads develop a comprehensive and prioritised approach to address the driver distraction issue, incorporating research and other policy initiatives.

A recommendation I am keen on concerns an area we need to watch more closely — that is, the use and content of scrolling, moving and video-style advertising on roadsides.

The Road Safety Committee has both an international reputation and a reputation as a true bipartisan committee. I take the opportunity to congratulate Mr Trezise. His competent and impartial chairing of the committee has enhanced its reputation, as Mr Bishop outlined. Mr Bishop has already thanked the staff for its dedication and professionalism, and I endorse his comments.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General — Report on condition of public sector residential aged care facilities, August 2006.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Education and Training Committee's Inquiry into the promotion of mathematics and science education.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 12 September 2006.

Motion agreed to.

MEMBERS STATEMENTS

Springvale Road, Donvale: safety

Hon. B. N. ATKINSON (Koonung) — I wish to make a point about safety on Springvale Road north of Doncaster Road. The Liberal candidate for Doncaster, Mary Wooldridge — an outstanding candidate — recently met with residents of that road and some of the streets that lead into Springvale Road to discuss their concerns about safety on Springvale Road. The road is characterised by a narrow pavement. There are a lot of hills along that section of Springvale Road and very deep drainage areas and so forth.

Ms Argondizzo interjected.

Hon. B. N. ATKINSON — It is interesting that Busy Lidia is so interested in this — she was not interested enough in the residents' concerns about Springvale Road at an earlier stage. This road has very high traffic volumes and a number of dangerous intersections. It is a road which has school traffic — —

Ms Argondizzo — What would you know?

Hon. B. N. ATKINSON — As a matter of fact I live right near it, unlike the member opposite. It has a community house, retirement village and school traffic. It is a route to one of the major shopping centres in the area.

Ms Argondizzo interjected.

Hon. B. N. ATKINSON — It is a great pity that the member did not add to her speech numbers by raising this issue in the Parliament. It is a very serious issue for people in Springvale Road. It is one I would hope the Minister for Transport in another place might address at an early stage. The assurances of Ms Argondizzo to — —

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

Tatura Italo Australia and Friends Club

Hon. KAYE DARVENIZA (Melbourne West) — I want to let the chamber know that I was delighted to attend the Tatura Italo Australia and Friends Club festival and dinner dance on 12 August. I was there with my parliamentary colleagues the Honourable Wendy Lovell and the member for Shepparton in another place, Jeanette Powell. I want to congratulate the club for putting on a fantastic fundraiser. Over 200 people were there. It was organised to raise funds for the Tatura hospital, a very worthy cause. The Tatura Italo Australia and Friends Club is a terrific organisation. It was established in 1987. It organises a whole range of events and activities which provide people with an opportunity to not only enjoy their own culture, traditions and languages but also to share them with the broader community. It was a terrific event. Everybody really enjoyed themselves. They had great entertainment and fabulous food. There was very good company. I want to congratulate particularly the club's president, Mrs Agata Formica, and the rest of her executive for putting on a wonderful event.

Road safety: four-wheel drives

Hon. PHILIP DAVIS (Gippsland) — I refer to a report commissioned by the Royal Automobile Club of Victoria and undertaken by the Monash University Accident Research Centre concerning four-wheel drives. There are more than 250 000 four-wheel drive vehicles operating in Victoria every day. The report released this week highlights what previous reports have found — that is, that four-wheel drive vehicles are incredibly dangerous compared to conventional sedans. It is of concern that not many people in the community, particularly those who own and operate four-wheel drives, whether it is for recreational, industrial or commercial activity or just as ordinary, day-to-day passenger vehicles, understand the high risk.

There is a 3.4 times higher risk of death from a rollover accident in a four-wheel drive compared to a conventional sedan. It is quite clear that the accident rate is higher, and the reason of course is that four-wheel drive vehicles are heavier; they are slower

to respond because of their weight and centre of gravity. I would like to bring to the attention of the house that the Liberal Party has been aware of this problem for some time and recently released a policy to work with Four Wheel Drive Victoria and the Transport Accident Commission to implement an education program to reduce the risk of accidents — —

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

Family violence: Mensline Australia

Mr SCHEFFER (Monash) — This week's *Sunday Age* carried a story which reported that one in five Victorians believe women are as likely as men to assault their partners, up from 9 per cent in 1995. Experts believe this increase stems from the success of fathers groups, such as the federal government-funded Mensline Australia that promotes misinformation.

In the recent VicHealth publication, 'The health costs of violence — measuring the burden of disease caused by intimate partner violence', chief executive officer Rob Moodie says that although men are among the victims of domestic violence, the evidence suggests that the vast majority of victims are women and that women are more vulnerable to its health impacts.

The Australian Bureau of Statistics says that one in five women are subjected to violence in their adult lives. Domestic violence has a huge effect on women's health and contributes 9 per cent to the total burden of disease in Victorian women aged between 15 and 44 years. Domestic violence is the leading contributor to death, disability and illness in Victorian women aged 15 to 44, being responsible for more of the disease burden than any other risk factors such as high blood pressure, smoking and obesity. The causes are complex, but a significant underlying factor is unequal power and resources between men and women.

The data simply does not support the opinion of 20 per cent of Victorians that men and women are equally likely to perpetrate domestic violence. The federally funded Mensline should tell the truth on its web site and in its advertisements — that is, that men are overwhelmingly the perpetrators of domestic violence, not women. Violent men must take responsibility for their criminal behaviour and should not be validated through the saccharine and sentimental Mensline advertisements.

Seniors: card application form

Hon. RICHARD DALLA-RIVA (East Yarra) — I wish to raise an issue that has been brought to my

attention by a local constituent about the Seniors Sunday Pass and in particular the application for the Seniors Card. It has been brought to my attention because, as we know, some members of the community, particularly the elderly, are concerned about where the information goes.

One constituent actually went on 31 July 2006 to the Office of Senior Victorians to collect an application form. It is noted that there is no privacy statement on the application form, which is correct. On first blush it appears that the document is an old one which is still being used as part of the advice given to seniors. That is disappointing, given that this government seems to spend millions of dollars on glossy brochures, but still maintains a regime of holding on to old application forms.

This has brought confusion, because the same person, also on 31 July, went to Information Victoria's office and obtained a Seniors Card application form which does have the privacy statement, so they are clearly — —

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

Member for North Western Province: comments

Ms ROMANES (Melbourne) — I take issue with the Honourable Damian Drum's slurs in his comments on Tuesday about Mr Johan Scheffer, me and other Australian Labor Party members' non-attendance at a carers forum in East Melbourne last Sunday. The Bracks government has not turned its back on carers. Our government has an excellent record in this area. Mr Scheffer and I both support the 'Walk a mile in our shoes' campaign.

I attended a similar carers forum in Gippsland in July. On that occasion I was the only member of Parliament who stayed for the whole day to listen to the concerns of carers, many hours after the Honourable Peter Hall and the Honourable Andrea Coote had left, but I am sure they had other things to go to. Since then I have sought to find out more about carers' concerns through meeting, along with Mr Scheffer, Maria Bohan from Carers Victoria.

Mr Drum's outburst was unfair and misinformed. While on leave I received an invitation to last Sunday's carers forum. On return I informed Christine Stowe that I was unable to be there and that I would check whether Mr Scheffer could attend. He also could not attend, and out of courtesy took the time to email Christine Stowe to confirm his unavailability.

Mr Scheffer, among other members, is a member of Parliament who has worked tirelessly to support carers and disability issues in his electorate. He has visited families, arranged delegations to meet members of Parliament, made written representations and advocated to the minister on behalf of his constituents. I suggest Mr Drum should always check his facts before throwing stones.

Government: financial management

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I rise to condemn the disregard shown by the government in matters of probity, accountability and corporate governance. The accountability and corporate governance framework for the public sector in this state is the Financial Management Act. Under the administrative arrangements the custodian of the relevant parts of that act is the Minister for Finance. However, as the minister has demonstrated time and time again, the government has no interest in ensuring that the requirements of that act and the minister's own policies and directions made under that act are upheld and enforced. Yesterday on an issue of questionable probity involving a \$500 million Transport Ticketing Authority contract, the minister did not want to know, notwithstanding the specific obligations under the Financial Management Act, which require the Victorian Government Purchasing Board to inform him.

On previous issues, such as South East Water breaching Victorian Government Purchasing Board requirements, again the minister did not want to know. On the issue of irregularities in the \$22 million iSOFT tender, the Minister for Finance, our protector of probity, did not want to know. On issues of financial irregularities at public hospitals, the Minister for Finance again did not want to know.

We have a minister who likes to preach about accountability, but is afraid to open his eyes to what is actually going on within this government. He is too willing to handball probity and governance issues rather than showing leadership and ensuring that provisions of his own act are upheld. It is pointless for the minister to issue directions and policies when government agencies know he has no interest in ensuring that they are enforced. Under this government and this minister, probity and accountability are optional.

Doncaster: community events

Ms ARGONDIZZO (Templestowe) — On Saturday, 19 August, I had the pleasure of attending the Doncaster Saturday Group's concert and lunch at the Warrandyte elderly citizens centre. The performers

were once again of a very high standard, and it was an inspiration to see seniors perform in word, movement and music. In particular the dancers exhibited a high level of skill that would put most 30-year-olds to shame. I was particularly inspired by the performance of the oldest tap dancer in the group, who is 86 years of age. I congratulate Doncare staff for a well-organised event.

Later that evening I attended a gala centenary dinner auction celebrating 100 years of the Deep Creek Anglican Church in Blackburn Road, Doncaster East. The event aimed at raising funds to assist the financing of the recently redeveloped church. The Deep Creek Anglican Church is made up of an active young community, which is increasing its congregation size, a contradiction to many other church communities in the state. The event was a fun night with music, dance and auction. It proved to be successful and enjoyable. I congratulate all those involved in the organising of this enjoyable and successful event.

Rail: Gippsland line

Hon. P. R. HALL (Gippsland) — On Tuesday evening of last week I attended a public meeting held in Bunyip hall.

Mr Viney — So did I, Peter.

Hon. P. R. HALL — Indeed Mr Viney did, and I will mention that in a minute. The meeting was convened to discuss local concerns with the new Gippsland train timetable. It was organised by Jenni Orton and others from the Nar Nar Goon-Pakenham area, and I commend Jenni for attracting an audience of some 70 to 80 people. Attending the meeting were my parliamentary colleagues Mr Ken Smith, the member for Bass in the other place, and also Mr Viney. We heard some impassioned and logical arguments. The main concern centres on the change in the timetable of the prime evening peak commuter service back into Gippsland. The service leaving at 4.47 p.m. from Southern Cross, which is a stopping-all-station service, will be made an express service — although it is only an express service to Drouin, because then it stops at Warragul, Moe, Morwell and Traralgon.

Following that meeting I promised that I would continue hounding the government on this issue — and I will — because all of those commuters who use the Nar Nar Goon, Tynong, Garfield, Bunyip, Longwarry, Yarragon and Trafalgar stations now face significant disadvantage in getting home of an evening. As an example, at Garfield, where a person would normally get home at 6.06 p.m., the next train they can catch

does not get them home until 6.55 p.m., which is a significant disadvantage. I say to the government: wake up to yourselves, have a look at the community concerns — —

The ACTING PRESIDENT (Mr Smith) — Order! The honourable member's time has expired.

Water: catchment management authorities

Ms CARBINES (Geelong) — I wish to celebrate the work of Victoria's 10 catchment management authorities and condemn the spurious and political attack on them by the *Weekly Times*, The Nationals' parliamentary aspirant Paul Weller, and Mr David Davis in this place yesterday.

As Parliamentary Secretary for Environment, I have worked very closely with each of our catchment management authorities (CMAs) and have visited every one of the 10 catchments over the last three years. I have been impressed by the on-ground work being undertaken to improve the health of our catchments across the state. The Glenelg-Hopkins CMA is undertaking work of marine mapping that leads the nation, studying the receiving waters of its catchment in conjunction with Deakin University and working closely to financially support every Landcare group in its catchment, in building an on-ground capacity for those communities.

The Mallee CMA is coordinating the river red gum watering project, where irrigators have donated their surplus water back to the environment to help save our iconic Murray River vegetation.

Corangamite CMA has done massive revegetation work and work on the wonderful Barwon-through-Geelong and Moorabool rivers projects. The Goulburn Broken CMA is undertaking projects to dramatically improve river health by fencing properties and installing fish ladders.

The North East CMA and the East Gippsland CMA have worked to rehabilitate parts of their catchments devastated by the 2003 alpine fires. Similarly, the Wimmera-Mallee, West Gippsland, Port Phillip and North Central CMAs are working closely with local communities to protect our environment, and they deserve our thanks, not blatant political attacks.

The ACTING PRESIDENT (Mr Smith) — Order! The honourable member's time has expired.

Pharmacies: hours

Mr SOMYUREK (Eumemmerring) — On behalf of young families in my electorate, I call on the federal government to use its leverage with pharmacists to ensure that more chemists are open after 10.00 p.m. It is hard to believe that in a city of more than 3.5 million people there are no 24-hour chemists and only four chemists open until midnight in metropolitan Melbourne. The closest chemist to my electorate that is open until midnight is in Frankston, which is at least a 30-minute drive from the southern-most tip of my electorate.

When you consider that suburbs such as Narre Warren and Berwick have some of the highest proportions of young families in Australia, it is hard to comprehend how it is that parents cannot obtain basic medications that their children need after 10 o'clock at night. Of course it is not only children who at times will need to acquire medications after hours; even fit and healthy adults cannot regulate the times they need to visit a pharmacy.

The federal government is in a position to do something about this issue by insisting that as part of the Pharmaceutical Benefits Scheme licensing agreement, chemists must commit to being part of a roster system which will ensure that at least one chemist will be open 24 hours a day in designated geographic areas every day.

Alpine resorts: snow-making

Hon. E. G. STONEY (Central Highlands) — The snow season in 2006 has been dominated by poor natural snowfalls, yet the alpine resorts have continued to operate quite well. Snow-making undertaken by the ski lift companies at Falls Creek, Mount Hotham and Mount Buller have allowed these resorts to continue to trade with almost no natural snow. These companies should be congratulated for their significant investment in snow-making over the past few years. This investment has allowed resorts to continue to trade and give visitors a good time. Providers of everything from accommodation and food to clothing and equipment hire all win from the lift companies' snow-making investments.

In yesterday's *Mansfield Courier*, Mr Chris Pullin of Pullins Ski Hire is quoted as saying that this is the worst season he has seen. Brett Stevens of the Mansfield Hotel is quoted as saying:

We're not unhappy about how things are, considering there is no natural snow.

Visitation figures for last weekend compared with the same time last year showed Mount Buller's numbers had reduced by only 19 per cent; Falls Creek by 11 per cent; and Mount Hotham by 25 per cent. This is remarkable, given the poor season and that the indicative line is bumping along the bottom of the natural snow graph. As Mansfield ski hire operator Chris Pullin so eloquently said, as quoted in the *Mansfield Courier*:

Without man-made snow, we would all be stuffed.

I congratulate the resort ski lift companies and the resort management boards for their considerable investment in snow-making over the past 20 years or so. This investment has saved the economies of the main resorts and in particular the associated towns such as Bright, Mount Beauty and Mansfield.

San Donato Festival

Ms MIKAKOS (Jika Jika) — On 6 August 2006 I had the great pleasure of joining my colleagues the member for Mill Park in the other place and the federal member for Scullin in attending the 30th anniversary of the San Donato Festival at St Luke's Church in Lalor. It is a festival I have attended over the last few years, and this year saw record numbers, estimated at 2500.

The festival honours St Donato, an Italian bishop who was beheaded in 301 AD for refusing to abandon his faith. The mass was conducted by Auxiliary Bishop of Melbourne Christopher Prowse in perfect Italian, as far as I could tell, assisted by Father Caldo, and was partly sung by the Friulano Choir and the St Luke's school choir. It was followed by a large and colourful procession around the church which took place behind the statue of San Donato, culminating in the release of hundreds of balloons. Celebrations continued with performances by the Bellini Band and singers from the Melbourne Lyric Opera and Opera Australia.

I want to congratulate Donato Polvere, the president of the San Donato Association, whose idea 30 years ago saw the beginning of what has become a highlight of the Italian and local community's calendar, together with all his committee members who made the day such a great success.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: results of special audits and other investigations

Hon. J. A. VOGELS (Western) — I would like to make some comments on the report entitled

Auditor-General's Report — Results of Special Audits and Other Investigations. The report is about the regional fast rail service, the rail gauge standardisation project and, if I have time, the Docklands film and television studio.

If this Auditor-General's report was about a private company, shareholders would be baying for blood and the directors would be on trial for incompetence and probably be facing jail sentences. This is the most damning Auditor-General's report I have read since I have been a member of this place. I will talk about the delivery of the fast rail service. This service was promised in 2000. The Auditor-General in his report said:

The delivery of more frequent fast rail services in the Geelong, Ballarat, Bendigo corridors by the agreed dates was not achieved.

He goes on to say:

In December 2004, DOI —

the Department of Infrastructure —

estimated the cost of delivering the rail infrastructure upgrade to be \$750.5 million, some \$194.5 million greater than the original estimate of \$556 million —

which does not include the following:

\$46.6 million to upgrade the 29 slower, two-car trains ...

\$33 million to extend the new train safety system on the fast rail corridors —

which we now know has been switched off because it does not work. The estimate also does not include the following:

the additional \$16.1 million cost of the fibre optic cable —

being laid. And also:

the additional \$72.5 million over seven years that V/Line Passenger would need to operate fast rail services.

This is a damning report. It absolutely amazes me that the government members sitting on the other side of the chamber do not seem interested. It does not worry them. I added up all of those figures and the upgrade is \$362.7 million over budget. Up to this stage — and as far as I know — there is not one fast train travelling anywhere. In terms of the outcomes of passengers, the Auditor-General said:

The objective of the infrastructure upgrades was to achieve journey times across the country sections of the fast rail corridors which meant that an express train service could be scheduled to meet the government's journey time targets.

...

The timetables also deliver the government's express journey times on all the fast rail corridors. However, the average journey time improvements between the regional centres and Melbourne are more modest because in all cases less than 7 per cent of trains achieve these target, express times.

So far we have spent over \$1 billion. The end result is that even when these express trains run — if they ever run — they will benefit 7 per cent of passengers. Most passengers will watch the trains speed through their stations. If the express trains ever do get off the ground, there will be only one express train in the morning and one at night. If you are standing on the station platform at Nar Nar Goon, Garfield, North Geelong or Laverton, you will see a train whiz past and the next train — as Mr Hall pointed out — will make sure that everybody gets home a quarter of an hour to an hour later. It is an absolute disgrace. It has been an absolute waste of money. I believe the government stands condemned for the fast rail project.

Who was in charge of all this? The Auditor-General says it was:

the rail projects cabinet committee comprising the Premier, the Treasurer and the ministers for finance and transport to oversee regional fast rail ...

I think they all stand condemned on this one issue alone. Just imagine what could have been achieved with the extra \$362.7 million, the amount that the project is over budget so far. In Geelong alone, instead of having the Geelong ring-road or bypass finishing at the Princes Highway with a stop sign, this amount would have been enough to actually have an overpass swinging around, and connecting back up to the Princes Highway, to the Great Ocean Road and probably to the Bellarine Peninsula. We could have seen something done in Ballarat about the desperate need for better water supplies.

We also have the rail standardisation issue. In May 2001, \$96 million was promised for rail standardisation. In 2003 the figure went up to \$140 million, and the auditor says we are now up to \$359 million. Not one sleeper has been laid and not one shovel of dirt has been turned, but we have spent \$14 million on consultants and buying a few sleepers, which are lying in a heap somewhere. That is \$14 million of government money that has been completely and utterly wasted.

Goulburn-Murray Rural Water Authority: report 2004–05

Hon. W. R. BAXTER (North Eastern) — I want to speak today on the Goulburn-Murray Rural Water Authority annual report 2004–05, but I particularly want to do it in the context of the very dismal outlook that irrigators who rely on that authority are facing at this moment. Goulburn-Murray Water, the successor to the Rural Water Commission and before that the State Rivers and Water Supply Commission, is our premier water supply authority for rural areas in Victoria. It has a very proud history indeed as a statutory authority and can be very proud of its record and the way it has served its customers and communities for a long time. It is no fault of the authority that we are now in our eighth or ninth successive year of severe rainfall deficiency.

The run-off in the Murray Darling Basin is the lowest on record, even lower than in the disastrous drought of 1902, and is having very severe consequences for the authority and its customers. In 2002 the authority was able to provide water allocations on the Goulburn system of only 57 per cent. That was the first time that the authority or its predecessors had not been able to supply 100 per cent of water entitlement to their customers. The system has traditionally worked on a security level of 97 per cent — in other words, in 97 years out of 100 water rights would be available and supplied. Many of us thought that 2002 was one of the three years when it could not be supplied and that it might be a long time before it occurred again. None of us could have foreseen in 2002 that only four years later, in 2006, we would be staring down the barrel again. The irrigation season opened on 15 August, as it traditionally does, but with only a 7 per cent allocation; and that 7 per cent is available only through the device — almost a contrivance, if you like — of the season being truncated by six weeks at the other end by the closing of the season in April 2007 instead of May, which would be the customary time.

The situation is placing the authority in an invidious position, but it is placing its customers in an even worse position. Many dairy farmers in particular but also fruit growers and others who rely on water from Lake Eildon are now having to make some very tough decisions indeed. It is particularly serious for the dairy industry, which traditionally has been an industry in which young families have got a start in agriculture. Many young farming families milking cows have high debt levels, many of them are sharefarmers and many of them have very little equity in their farms at this point in time. There is nothing unusual about that. That has been the way of the industry for more than a

century, and it has been a great way for many young families to get established in farming. However, I think we need to be doing more to work our way through how we are going to assist those farmers to survive rather than forcing them to walk off. That is something that has not happened in agriculture in this state now for decades, and I do not want to see it happen on this occasion.

There is a meeting at Congupna tomorrow to start exploring some of the ways of helping farmers deal with this crisis, but I gave notice on Tuesday to make sure that this government works with its statutory authorities, principally Goulburn-Murray Water but also the Rural Finance Corporation and others, so that we will have plans in place. Fortunately the rain started and has kept going overnight, but as yet there has been very little north of the Divide. From my inquiries this morning I gather there has been 5 to 10 millimetres, which is perhaps a flash in the pan. Unless we get very substantial rains over the next two to three weeks some drastic decisions will need to be taken, and I want the government to be ready for it. I am not crying wolf, but I do not want us to get to a crisis situation and then start running around like headless chooks, wondering what to do about it. Now is the time to get interest groups together and work through this problem.

Victorian WorkCover Authority: report 2004–05

Hon. J. G. HILTON (Western Port) — This morning I would like to make a brief statement on the Victorian WorkCover Authority annual report for 2005 and acknowledge the excellent minister in charge of the Victorian WorkCover Authority, the Minister for WorkCover and the TAC, who is in the chamber. The statement of the authority's vision in the report is that workplaces should be free from risk, injury and disease. Its mission is to work with all Victorians to progressively reduce the incidence and severity of injuries and their cost to the community.

The Victorian WorkCover Authority had an absolutely outstanding year in 2004–05, with the lowest number of workplace fatalities on record, the lowest workplace injury rate on record and an increase in the benefits and support given to injured workers. This activity produced a financial benefit to employers, who experienced a 10 per cent reduction in average premium rates and a net profit for the authority of \$775 million.

Under the first-class chairmanship of James McKenzie and the chief executive officer, Greg Tweedly, the organisation transformed its approach to safety regulation by heightening awareness and improving

workplace safety, simplifying the premium system by providing employers with fairer and simpler arrangements, designing better pathways to help injured workers back to health and into the work force, and, as its prime objective, providing every opportunity for workers to make it home safely.

Victoria is now a safer place to work than it ever has been, but this work is never complete until accidents are eliminated from the workplace in Victoria. I mentioned at the beginning of my contribution the financial performance being a net profit of \$775 million, but it is also useful to highlight the tremendous turnaround in the authority's performance that has occurred over the last 10 to 15 years. In the 1990s there were insufficient reserves to meet the future costs of existing claims, whereas this year's results show a funding ratio of 113 per cent.

Whilst the financial performance is laudable, it is obviously a secondary consideration in judging the performance of the authority. The authority's responsibility is to reduce fatalities and injuries in the Victorian workplace, and it was encouraging to read in the annual report that the authority still believes there is more work to be done.

The organisation's occupational health and safety arm, WorkSafe Victoria, plays a lead role in promoting and enforcing workplace health and safety standards. It now has a team of 450 people, including inspectors, investigators, technical experts and support staff who are spread across a network of city, suburban and regional offices. This team is responsible for supporting improved workplace safety standards by implementing the organisation's comprehensive constructive compliance strategy, which focuses on information, education, incentives, enforcement, investigations, prosecutions and penalties. There is now also an emergency response service, which operates 24 hours a day, 365 days a year.

Reducing accidents and fatalities at work obviously benefits the entire community, including the employers. The annual report features a case study illustrating that safety improvements can mean a drop in the electrical trade industry's premiums. Since 2000 workplace injury claims in this sector have been halved. This is put down to an increased awareness about the health and safety risks of electrical shocks, falls from heights and injuries caused by manual handling. The increased use of safer equipment has also contributed to the industry's work safety record. As a result of this improvement the industry has enjoyed a 46 per cent reduction in its average premium rate, down from

3.1 per cent of remuneration in 2003–04 to 2.08 per cent in 2004–05.

I would like to congratulate all members of staff of the authority, its board of management, its board of directors and everyone else who has been involved in the tremendous work it has done for the welfare of all Victorians. As I said in the last sitting week in relation to the Transport Accident Commission, the Victorian WorkCover Authority is a tremendous organisation of which all Victorians can be rightly proud.

Auditor-General: results of special audits and other investigations

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — This is a report that the government could not be happy with. In the report the Auditor-General has investigated five projects, four of which are of considerable embarrassment to the government. I note that the Minister for Finance is in the chamber this morning: if he has any residual interest in issues of probity and accountability, this report would be of great concern to him, both as Minister for Finance responsible for the accountability of the public sector and also as a minister who is implicated in two of these debacles by this report. It is also a bad report for the Honourable John Brumby in the other house, who, in his capacity as Treasurer and Minister for State and Regional Development, is implicated in a number of the debacles outlined in the report.

Victorians have thought for some time that the fast rail project is a bit of a joke. It has been an enormous commitment by the government but its cost has gone far beyond what the government said it would be, and it has not delivered the benefits the government claimed it would. Victorians have known that for some time.

What Victorians have not known is the depth of the incompetence that this report has revealed so far as the actions of the Department of Infrastructure and the responsible ministers go. It is a similar story with the rail gauge standardisation program and a similar story — perhaps even worse — with the Docklands studio, where the competence of the Department of Innovation, Industry and Regional Development (DIIRD) is truly called into question. Even the Auditor-General has conceded that a lot of the responsibility for the Docklands studio project rests with the department, and in some instances ministers were not even informed of things, which, I might add, does not absolve them of responsibility; ultimately they are responsible for what happens. The Auditor-General has revealed a truly extraordinary story.

On the issue of fast rail, the Auditor-General's key finding is that the project has not been delivered as promised. He noted that it is substantially over budget — that is, over both the original budget and the revised budget — and that the revised budget did not take into account many of the necessary expenditures that would make the program operational. While the announced budget may have covered the physical rail upgrades, it did not cover any of the ancillary upgrades and rolling stock upgrades that were required to actually deliver the project.

The Auditor-General has noted that the responsible ministers are the Premier, the Treasurer, the Minister for Finance and the Minister for Transport through the cabinet committee and that both the Department of Infrastructure and the Department of Treasury and Finance should take responsibility for this debacle.

As time is limited I will make a brief comment on the Docklands studio. The deal that was done for the Docklands studio, Central City Studios, would have to be one of the most extraordinary deals that has ever been put in place to support a company in Victoria. The report has revealed that the department, seemingly acting off its own bat, has allowed a plethora of guarantees and concessions to the developer to prop up its operations. As such, the state's exposure to that project is now substantial.

The department has failed to ensure the developer meet its contractual obligations, it has failed to collect the information that it was entitled to under its contract, and it has failed to properly brief its ministers on this project when advising them to commit more state funds. It is extraordinary that this has been allowed to occur. It goes to the point I raised earlier: the departments know they do not need to be accountable because the Minister for Finance refuses to enforce his own accountability regime. This is just the latest example of where the state is suffering from that. DIIRD is certainly culpable in this, but ultimately the responsibility falls to the Minister for Finance.

Cancer Council Victoria: report 2004

Hon. H. E. BUCKINGHAM (Koonung) — I wish to speak this morning about Cancer Council Victoria, whose report was tabled in the other place. This fantastic organisation has made an amazing contribution to cancer prevention in Victoria over the past 70 years. As members would be aware, my own experiences with cancer have made me very aware and appreciative of the role the cancer council plays in the Victorian community.

Cancer Council Victoria was established in 1936 following recognition that Victoria was one of the few states that did not have its own cancer organisation. The council raised the equivalent of \$6 million in today's value from its first appeal in 1936–37, which was an astonishing amount. The cancer council is a volunteer-based, independent, charitable body whose core business is cancer control. It conducts and supports research, delivers statewide support and prevention programs, and is a strong advocate for reducing the physical and emotional burden of cancer. In fact Cancer Council Victoria annually raises the equivalent of \$4 to \$5 per head of population in Victoria and receives almost the same amount in research grants and government contracts, and in doing so the council is accountable to Parliament, regulators, stakeholders and the community.

The operations of Cancer Council Victoria are incredibly diverse. The cancer council is either directly responsible for, or contributes to, a large range of activities, including the Cancer Helpline and the Quit and Sunsmart campaigns — both incredibly successful campaigns. It funds clinical trials for cancer research, the Victorian Cancer Registry, the Living with Cancer education program, many support groups for cancer sufferers and survivors and much more. These broad range of activities are merely the tip of the iceberg when it comes to demonstrating the vital role that Cancer Council Victoria has made.

One key strength of the cancer council is its volunteer base. Cancer Council Victoria has over 45 000 volunteers supporting its operations. Some 4440 volunteers are members of expert honorary advisory committees. Over 40 000 people support the fundraising work of the cancer council, including the Relay for Life and Australia's biggest morning tea.

It is worth noting that the major fundraiser for Cancer Council Victoria is fast approaching. As the daffodil is the international symbol of hope, it is appropriate that the major fundraiser for cancer council takes this symbol. Daffodil Day is tomorrow. I am pleased to acknowledge I have seen many daffodils on lapels this week in Parliament and I encourage all to support this campaign. Cancer statistics are frightening. If I can quote from the report:

By the age of 75 at least one in three Victorians will develop a cancer. Statistics released in December 2004 by the cancer council's Victorian cancer registry show that in 2003 a total of 12 286 men and 10 212 women presented with new cancers, and 5351 men and 4340 women had died of cancer in 2002.

In 2003, 9766 Victorians lost their lives to cancer. It was the leading cause of death (48.9 per cent of total) in this state.

The encouraging news is that cancer death rates continue to decrease. Sixty per cent of people diagnosed with a serious cancer will now be cured. These statistics demonstrate the importance of cancer research and further demonstrate the valuable role that Cancer Council Victoria plays in the community.

In 2004 the cancer council funded \$2.7 million in biomedical research in Victorian hospitals, universities and medical research institutes. It again selected individuals for major fellowships. I was in attendance in Queen's Hall earlier this year as part of the 70th anniversary celebrations of the cancer council when two new research fellowships were awarded. In 2004 the cancer trials management scheme, run by the cancer council, saw grants totalling \$725 000 to 18 hospitals. A total of 1456 new patients were enrolled in trials and I was one of them. I take this opportunity to thank the members of the council, the executive committee and its president, Peter Griffin, for the work that they do in ensuring that the work of the Cancer Council Victoria is a source of insight and inspiration for solutions in the fight against cancer.

Auditor-General: results of special audits and other investigations

Hon. D. McL. DAVIS (East Yarra) — Yesterday when I put on notice that I wished to speak about the Department of Sustainability and Environment annual report 2004–05 I had not had the opportunity to read in any detail the bombshell in the Auditor-General's report on results of special audits and other investigations, particularly the delivery of fast rail services, the issues surrounding the rail gauge standardisation project and the Docklands film and television studios status of state's interest.

This is truly a devastating report by the Auditor-General, who in his mild-mannered but thoughtful way has put the knife into the government. It is extraordinary to read the results of this government's mismanagement of these major projects. The fast rail project was a project that the government originally put on the books for \$80 million in the 1999 campaign. I remember that well. Few people thought it achievable at the time; nonetheless the government was elected with a shoddy and dubious promise to deliver four fast rail services for \$80 million! The private sector was not interested. It told the government to go away and the government then took on the role in full as a public sector project with an estimated cost of \$556 million. We know that amount is building still and it is far above that figure. The Auditor-General puts the figure at \$750.5 million, \$194.5 million greater than the original estimate. There are still some costs to come in,

and I would not be surprised to see it climb, as has been suggested, well over the \$900 million mark in the end.

The Auditor-General's report is absolutely damning of the government's feasibility study. He said the cost benefit analysis, included in the project feasibility studies report, overestimated the benefits and underestimated the cost of the upgrade. That is a very faint or soft way of saying that it was a dud process. The Auditor-General goes on to say that while the cost benefit analysis was substantially consistent with Department of Infrastructure (DOI) guidelines then in place, the analysis made a number of incorrect assumptions and calculations. It was a complete farce.

The time lines for the project were out. In terms of time lines the rail infrastructure upgrade completion dates are between 9 months to 19 months behind schedule. The time lines set for the completion of the infrastructure upgrade at the time the contracts were signed were clearly unrealistic and that this should have been understood at the time. Blind Freddy could see that this project was a dog. Victorians could see that it was a project that would be delivered poorly. They could see it was a project that was not going to be good value for community money. The idea of having a fast rail service to country Victoria is important. The idea of having a reliable rail service for country Victoria is important.

Hon. J. M. Madden interjected.

Hon. D. McL. DAVIS — I would have thought the minister's department could give some advice to DOI. This is a very bad department to do these sorts of projects; they are such a disaster and a waste of public money. The key to it in many ways is the outcome for passengers. The majority of passengers using fast rail services do not travel to the ends of the fast rail corridors. In terms of meeting the needs of all passengers, it is likely that only a handful of trains will run as full express services and achieve the government's journey targets.

The Auditor-General says the final time lines are likely to increase the number of train services at most stations, and that average journey time savings for all passengers using the services are likely to be more modest than implied by the government's target journey times. This is a very bad outcome for Victoria. These lines have not been upgraded in the way they should have been to take account of standardisation. I could talk about the other part of the report, but I do not have time. The improved times commuters should have been able to achieve have not been achieved. This is a massive expenditure of public money by an incompetent minister. The

minister should go, and if he will not go he should be sacked. The Premier should move in on him. This minister has form going back to 1985 when he was all but hounded into jail and now he should resign and get out of the transport portfolio — —

The ACTING PRESIDENT (Mr Smith) — Order! The member's time has expired.

Consumer Affairs Victoria: report 2004–05

Mr SOMYUREK (Eumemmerring) — My contribution will be on the Consumer Affairs Victoria annual report 2004–05. Before I comment on the contents of the report I want to say that consumer protection is a very important part of our sophisticated, advanced capitalist society. A clear and robust regulatory regime is important for the empowerment of all market disciplines — and I stress all market disciplines not just consumers — but also the traders who by and large want certainty. The report comprises 170 pages and is divided into seven key parts with numerous subparts as well.

The first substantive part of the report is about promoting and encouraging fair trading practices, and fair and competitive markets. The topics in this particular report include facilitating voluntary compliance, enforcing statutory requirements — which will be the major focus of my contribution today after I go through the context of the report — trade measures and competitive markets.

The second part deals with protecting consumers; it touches on things like service delivery, addressing consumer vulnerability and disadvantage. One chapter has an interesting subheading 'Knowledge is power', which I perused — it sounds very philosophical.

The third part has a special feature dealing with retirement villages and regulating trading practices. I will not go through the various subheadings. The fourth part deals with 'Tackling unfair terms in consumer contracts'. The fifth part is 'Promoting product safety'. The sixth part is 'Supporting statutory bodies and corporations', and the seventh part is 'Developing our people'. The report has a section in the appendix about 'The year ahead'.

I now turn to the second part of the report, which deals with 'Enforcing statutory requirements'. There has been a shift in the enforcement policy from the unnecessary reliance on criminal prosecutions to the use of civil and administrative interventions. This is clearly demonstrated in the report at page 008 with the table

titled 'Comparative data: compliance and enforcement outcomes 2004–05 and 2003–04'.

The first line item is 'Value of fines issued in court'. One can see that the differential is amazing. In 2003–04 monies obtained from the value of fines issued in court were \$503 600; that decreased remarkably in 2004–05 to \$371 550. That is a result of the policy shift. There is also the 'Value of court fund and VCAT penalties imposed'; that has fallen from \$36 483 to \$5150. The 'Value of costs orders obtained' is down from \$48 284 to \$33 434, and on it goes.

Under the chapter subheading 'Application of new provisions' the report refers to better information-gathering and administrative enforcement. There is a case study of Grove Conveyancing Services where Consumer Affairs Victoria seized 13 318 files from the offices of that company. That, no doubt, is part of better information-gathering and administrative enforcement.

The ACTING PRESIDENT (Mr Smith) — Order! The member's time has expired.

Consumer Affairs Victoria: report 2004–05

Hon. W. A. LOVELL (North Eastern) — I also wish to make a statement on the Consumer Affairs Victoria annual report 2004–05, in particular about the legislative review process that is mentioned at page 096 of the report. That page refers to 10 reviews that Consumer Affairs Victoria was undertaking during 2004–05.

The embarrassing thing for the minister is that 15 months later, three of those reviews have been completed and introduced as legislation, and a further two — the conveyancing and body corporate reviews — have been completed and legislation on those is about to be debated. In fact the body corporate legislation is probably being debated in the other place as we speak, and the conveyancing legislation will be debated in the next sitting week.

Some 15 months after this report was finished, 5 reviews are outstanding and have not been dealt with yet; 1 review on the Motor Car Traders Act saw legislation introduced but only 1 recommendation out of 38 was dealt with.

It is even more embarrassing for the minister when one looks at Consumer Affairs Victoria's web site. It lists 20 reviews; of those, only 7 have been finalised, 2 of which are the body corporate and conveyancing bills which are still in the other place, and 2 were concerned with reviews of regulations and had sunset clauses that

had to be completed. As I mentioned before, from 2004–05 two bills are in the other place and there are two regulations. That is all that has been finalised.

To be fair to the minister, 3 of the reviews are being conducted by other bodies, and 10 reviews are outstanding, some from 2003; 4 were initiated before December 2004, so they were announced by the former minister, the Minister for Finance, John Lenders, but are still not complete; also, 3 reviews were initiated in 2005 and 3 in 2006.

To go through them, a review of the code of conduct for packaged liquor licensees was initiated this year but it is eight months since the submission deadline, and we have not seen anything. The Associations Incorporation Act review was initiated by Minister Lenders in November 2003 and conducted by Ms Hadden; an interim report on that was made in 2005. The web site says that a government response is still being prepared — so, 17 months after the report, a government response is being prepared.

A review of business licensing and fair trading was initiated this year. A consumer credit review was initiated in June 2005, the final report on which was made by the member for Monbulk in the other place, Mr Merlino, who conducted that review in March 2006, but the government has yet to respond. That is embarrassing because, as the minister would know, issues involving credit and debt are among the biggest facing the Victorian community at the moment.

A domestic building contracts review was initiated under Minister Lenders in July 2004, and conducted by Ms Mikakos, but there has been no response from the current minister regarding the introduction of legislation following that review's recommendations.

A review into the Fundraising Appeals Act, initiated by Minister Lenders in 2004, was conducted by the member for Narre Warren North, Mr Donnellan. The report was made in November 2005 but there has been nothing from the minister to say what action the government will take following that review.

An options paper in relation to the harmonisation of telemarketing laws review was put out in 2005, with deadlines for submissions set for October 2005, but we are yet to see anything from the minister following that review.

At the request of Minister Lenders, then the responsible minister, Mr Pullen undertook a review of the motor car traders legislation. Some 38 recommendations were put to the government, but of those, only one has been enacted. The government's final report came out after

that recommendation was enshrined in legislation, but we have seen nothing further on that.

The ACTING PRESIDENT (Mr Smith) — Order! The member's time has expired.

Consumer Affairs Victoria: report 2004–05

Ms MIKAKOS (Jika Jika) — I am very pleased to be able to rise and make a brief contribution in relation to the Consumer Affairs Victoria annual report for 2004–05. I want to begin by saying that the Bracks government believes that strong consumer protection is an essential part of building a thriving economy and confident communities in Victoria. Over the past seven years we have built a comprehensive consumer affairs program to ensure that Victorian consumers get a fair go, after the damage done to consumer protection under the Liberal-National government. The annual report I am discussing details the extensive activities our consumer affairs agency, Consumer Affairs Victoria, undertakes to ensure all Victorians can be confident consumers.

The 'Protecting consumers' section of the annual report outlines the different ways Consumer Affairs Victoria is helping Victorians with information, advice and conciliation services. Consumer Affairs Victoria provides conciliation and mediation services to help traders and consumers resolve disputes before they get to court or the Victorian Civil and Administrative Tribunal. The annual report states that more than 17 000 complaints were referred for dispute resolution in 2004–05, and 67 per cent of those complaints were successfully resolved. More than \$2.1 million was recovered for consumers. This was an excellent outcome, and a 13 per cent increase on the year before.

I would like to point out that the Bracks government has established several specialist services within the dispute resolution area to help Victorians in areas where some specialist knowledge and advice is needed. This includes a credit and debt service, Building Advice and Conciliation Victoria, the Estate Agents Resolution Service, and the residential tenancy inspection service. I note that many of these specialist services are in areas to do with protecting Victorian families and their homes, whether it be buying and selling a home, building or renovating, or renting. The report shows that almost half of the general telephone inquiries were about renting and building. Having a decent place to live is clearly an issue which matters to Victorian consumers.

It is a shame the Liberal Party's consumer affairs policy, released by the Honourable Wendy Lovell in

March of this year, does not even mention renting, buying or building a home. I welcome the Honourable Wendy Lovell finally coming to the debate in consumer affairs today — a very short period of time before the election — and giving us a quick run-down of the various areas where the Bracks government is looking to strengthen the protection of Victorian consumers. However we are yet to hear in any great detail what the Liberal Party intends to do. I have had a very careful read through its election policy document. It is entitled 'A Liberal plan to protect Victorian consumers' and it does not have a great deal to say. It shows that the Liberal Party has no idea about matters of importance to Victorian families. It has no vision for Victorian families and their homes.

Hon. Andrea Coote — On a point of order, Acting President, this is statements on reports and papers, it is not about reports done by the Liberal Party which have not been tabled in this place. I would like the opportunity to table our reports in here. However, Acting President, would you please bring the member back to the report she is supposed to be speaking on?

Ms MIKAKOS — On the point of order, Acting President, we are having a debate about consumer affairs. We have just heard from the Honourable Wendy Lovell — —

The ACTING PRESIDENT (Mr Smith) — Order, Ms Mikakos!

Ms MIKAKOS — She did not talk about the annual report in any way, shape or form — —

The ACTING PRESIDENT (Mr Smith) — Order! Resume your seat, Ms Mikakos! We are not having a debate here, we are simply having discussions on reports that have been tabled. I ask the member to come back to the report she is speaking on and not to engage in debate any further.

Ms MIKAKOS — I am very happy to talk about this report, because it demonstrates very clearly the great track record of the Bracks government in the consumer affairs area. However, we heard from the previous speaker, the shadow Minister for Consumer Affairs, a litany of criticisms of reviews the government is undertaking. As I recall she did not touch on anything in the annual report.

I will talk about the annual report because it details our efforts to ensure that vulnerable and disadvantaged consumers are able to access the services that Consumer Affairs Victoria provides, including the establishment of an inquiries lines for speakers of languages other than English and the promotion of a

dedicated inquiries line for indigenous consumers, which has seen a 150 per cent increase in calls to this service. Ensuring that our most vulnerable and disadvantaged consumers, not just those consumers who have easy access to our services, are protected is a priority of the Bracks government. This has been strongly supported by our A Fairer Victoria social policy statement. However we do not hear anything from the Liberal Party about its concerns about vulnerable and disadvantaged consumers — it takes a one-size-fits-all approach.

I want to put on record that the work we have been doing in relation to the housing sector has involved consultation with a number of stakeholder bodies over a period of time, including the Real Estate Institute of Victoria. I had the pleasure of attending one of the institute's functions a couple of years ago, despite Ms Lovell's claims that no-one from the government has attended any of the institute's functions during this term of government. I would encourage — —

The ACTING PRESIDENT (Mr Smith) — Order! The member's time has expired.

VicRoads: report 2004–05

Hon. R. H. BOWDEN (South Eastern) — I would like to make some comments in relation to the VicRoads annual report for 2004–05. This report is comprehensive. It is quite detailed. It is a physically large report with many sections. It covers the activities of the organisation and its financial reporting requirements, and it goes into some detail about several of the important activities VicRoads undertakes.

Overall the VicRoads organisation is large and diverse. This report details that its turnover in 2005 was \$2.527 billion, of which \$188 million was paid as salaries to the staff. It reports an employee list of 2516 employees, including 1089 engineers and professional people. VicRoads is a comprehensive, large, capable and long-established organisation which has an enormous responsibility under our state structure to provide and maintain a roads network and design and supervise a roads network in terms of construction and maintenance so that the economic efficiency of the state of Victoria and its contribution to the commonwealth economy is able to be substantial.

As a member of this place I have to say that I am continually disappointed with the performance of VicRoads. I have been known to comment on VicRoads from time to time in relation to specific aspects which concern me as a representative of a large province in the state. As powerful, diversified and

integrated as VicRoads is in the organisation of the governmental structure of the state I do not believe it is playing its part properly or well. Information provided in this report convinces me that VicRoads is unresponsive. I will discuss some aspects of that later.

Under the reporting information provided, the development of the roads network in 2005 represented an investment of only \$268.8 million. That \$268.8 million is made up of \$185.4 million of federal funding, and only \$83.4 million out of a turnover of \$2.257 billion is initiated by the state government through VicRoads and by VicRoads itself. The road pavement maintenance on a lane kilometre basis is 51 180 kilometres.

I am certainly suggesting to honourable members that VicRoads, through its board and its senior management, is lacking in design appreciation of modern road construction and efficiency for the major purposes of transportation. I think the congestion on the Monash Freeway is testimony to VicRoads' lack of vision, lack of commitment and lack of concern. That road is a vital artery, but it is not receiving the investment or focused attention it should. What we are seeing now with congestion on the Western Port Highway is increasingly alarming for those who live in the south-eastern part of the city and South Eastern Province.

I cannot understand why VicRoads still cannot recognise the benefits, both the economic and safety benefits, of overpasses, which it calls road separations. There have been virtually no overpasses constructed in this state, and we have an urgent need for one at Thompsons Road in Lyndhurst.

The size and revenue of VicRoads is important. The organisation is not playing its part and it is unresponsive. I have detailed time and again specific safety concerns about the poor performance of VicRoads. I suggest that if it were in the private sector the board would be dismissed and the top echelon cleaned out. It is long overdue for a massive clean-up. It is not a constructive organisation at this time, and it is seriously letting down the people of Victoria through its poor performance.

HERITAGE RIVERS (FURTHER PROTECTION) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Hon. J. M. Madden.

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

That the bill be now read a second time.

Incorporated speech as follows:

The Heritage Rivers (Further Amendment) Bill amends the Heritage Rivers Act 1992 to prevent the construction in all heritage river areas of new and extended impoundments, barriers and structures that impede the passage of water fauna. It also amends the provisions in the act relating to management plans and makes some other, minor amendments.

The bill continues the Bracks government's significant water reforms — reforms that are being undertaken in the long-term interests of the community, water users and the environment. In particular, the bill reinforces the government's commitment to protecting and improving the environmental health of our rivers.

Heritage river areas

Victoria's 18 heritage river areas are designated under the Heritage Rivers Act, which arose out of the former Land Conservation Council's Rivers and Streams Special Investigation. They comprise public land along stretches of various rivers totalling approximately 2000 kilometres of Victoria's 56 000 kilometres of named rivers and streams. They extend over a variety of public land, including national parks, state forest and public land water frontages.

The heritage river areas contain significant nature conservation, recreation, scenic or cultural heritage attributes, and are located across the state. The diverse nature of these areas is illustrated by:

the limestone cliffs of the Glenelg heritage river and the river red gums and terminal lakes of the Wimmera;

the cool temperate rainforests of the Aire and the dry forests of the Lerderderg;

the floodplain meanders along the Goulburn, Ovens and Yarra;

the steep valleys of the Howqua, Big, Mitta Mitta, Aberfeldy and Thomson;

the spectacular gorges of the Mitchell, Snowy and Genoa;

the rugged and remote terrain of the Upper Buchan and Suggan Buggan; and

the estuary of the Bemm.

Importantly, the Mitchell River is the largest river without a dam in south-eastern Australia.

Further protecting our heritage rivers

The Heritage Rivers Act requires the relevant managing authorities to protect the significant attributes of the heritage river areas. It also emphasises the importance of free-flowing streams by requiring the managing authorities to take all reasonable steps to ensure that the areas are maintained without further interference to their free-flowing state, except as provided for in the act.

The act currently prohibits new impoundments, barriers and structures that impede the passage of water fauna in 14 of the 18 heritage river areas, except with the approval of the Governor in Council. New impoundments, barriers and impeding structures may be permitted in the Wimmera, Lerderderg, Yarra and Big heritage river areas, some subject to certain conditions being met.

The bill gives further protection to Victoria's heritage rivers by prohibiting new and extended impoundments, barriers and impeding structures in all heritage river areas. Any new impoundment would therefore require an amendment to the act, which is appropriate given the status of these areas.

The bill reflects the government's view that new in-stream reservoirs are not a sustainable water management solution — new dams are not the answer. It also implements Labor's 1999 election policy to prohibit the damming of rivers protected under the Heritage Rivers Act, including the Mitchell River.

The added protection afforded our heritage river areas highlights the importance of some of Victoria's most significant streams and is consistent with the commitments in the Victorian River Health strategy to protect rivers of highest community value and maintain the condition of ecologically healthy rivers.

It also reinforces the government's commitment in Our Water Our Future to significantly improving the environmental health of our rivers. This commitment includes improving environmental flows in rivers such as the Wimmera, Glenelg, Werribee, Thomson, Macalister, Snowy and Murray.

Flowing from these commitments has been a wide range of government initiatives to improve the environmental health of our rivers, including heritage rivers. These include:

legislating to establish the environmental water reserve;

making a major investment in major water infrastructure projects, including the Wimmera–Mallee pipeline so that savings can be directed to improving the health of the Wimmera and Glenelg rivers;

investing in protecting and restoring riparian land across the state, including along the Goulburn River;

increasing environmental flows in the Thomson River from water savings in Melbourne;

delivering water savings to the Snowy River and introducing legislation to prevent the sale of Victoria's share in Snowy Hydro so that environmental flows are protected in the future; and

developing regional river health strategies across the state to deliver river health objectives.

Management plans

The Heritage Rivers Act requires a management plan to be prepared for each heritage river area and each of the 26 natural catchment areas that are also protected under the act.

The bill takes the opportunity to update the management plan provisions in the act. The amendments continue to acknowledge the importance of management planning for these areas. However, they recognise that, since the act was proclaimed, other plans or strategies prepared in relation to public land have also addressed the management of these areas, and will continue to do so. It is not efficient to duplicate this work.

In particular, various management plans prepared since 1992 for national and state parks and state forest have recognised heritage river and natural catchment areas. Also, catchment management authorities have been created since 1992 and have a charter to take an integrated approach to the protection and management of catchments. In recent times, as caretakers of river health, they have been preparing regional river health strategies to establish regional priorities for river protection and restoration, including heritage river areas. In essence, waterway planning and management have improved dramatically since heritage river management plans were originally proposed. Total catchment management is a more comprehensive way to manage the values of our rivers.

However, the proposed amendments allow the minister to take these other plans and strategies into account when deciding whether to require a management plan to be prepared under the Heritage Rivers Act. The minister may decide that a plan is required if he or she considers that the management requirements for these areas are not adequately addressed in other plans and strategies. The minister can specify that such a plan should be prepared for one or more parts of a heritage river area or should deal with a particular aspect of management that is not covered in other plans or strategies. The amendments, therefore, effectively allow gaps to be filled if any are identified.

The Department of Sustainability and Environment will assess existing plans and strategies that cover heritage river and natural catchment areas to identify what plans may be required under the act. However, it is envisaged that only a relatively few plans, if any, will be needed.

In summary, the amendments will make the management planning process for these areas more efficient but ensure that, overall, there are no gaps. The provisions in the act regarding public consultation and notification of plans in the Government Gazette are retained, and the tabling and disallowance procedures relating to any plan prepared under the act are updated.

Conclusion

The Bracks government is proud of its water reforms. In the context of this bill it is particularly proud of those that place a greater emphasis on improving the environmental health of our rivers. That the reforms are occurring at a time of significantly reduced rainfall draws attention to the importance of water to our future and to the finite nature of

the resource — a resource which both the community and the environment must share.

The increased protection afforded by this bill to our heritage rivers recognises the value of not further impairing their free-flowing state. In doing so, it will help to ensure a more environmentally sustainable future for some of our most precious rivers.

I commend the bill to the house.

Debate adjourned for Hon. E. G. STONEY (Central Highlands) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Hon. J. M. Madden.

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill is a major step in the government's ongoing commitment to improve Victoria's taxi services.

Taxi industry accreditation

Taxi services play a vital role in Victoria's social and economic life. There are some 32 million taxi trips per year in Victoria. Taxis are a major part of the general mix of public transport within metropolitan Melbourne and perform a unique role in regional Victoria. They take people to and from business meetings as well as our major events. They ferry people to and from the airport for business trips or holidays. They enable people to travel home from social functions in a way that is safe for themselves and other road users. For people with disabilities and the elderly, taxis offer a level of mobility and access not always readily available elsewhere. Tourists and visitors to our state are also particularly dependent on taxi services and their perception of Victoria and enjoyment of their stay can be significantly affected by the quality of service they receive.

Victorians therefore deserve and expect safe, reliable and efficient taxi services. They need to have confidence in the professionalism of the taxi industry to provide a level of service that meets this expectation. The government recognises this and is determined to increase the professionalism of the industry and help it improve service levels. The government believes that a modern, performance-based approach to regulation is crucial and that taxi industry accreditation is a key means of achieving this.

In 2002 the government announced a reform program for the taxi and hire car industries, containing 17 initiatives. Since then the government has been progressively introducing these initiatives. For taxis, they have included:

600 new 'green top' peak service taxicab licences to be issued over six years to ensure more taxis are available at night; 300 of these are in place and a further 100 are being issued during the second half of 2006;

a new training course for drivers;

a new charter to explain the rights and obligations of taxi passengers and drivers; and

new regulations to ensure greater transparency in the trading of taxi licences by requiring brokers to be licensed by the Bendigo Stock Exchange and for licence trades to be reported to that exchange (Transport (Taxi-cab Licences — Market and Trading) Regulations 2005).

The last remaining major item of the reform program is taxi industry accreditation.

The government's recently announced blueprint for shaping Victoria's transport system, *Meeting Our Transport Challenges*, emphasises the importance of Victoria's taxi industry 'in supporting the livability of Melbourne and provincial Victoria'. It reiterates the need to:

establish a new accreditation regime for the taxi industry that will include strict standards and accountability measures to ensure taxi services meet the expectations of the Victorian travelling public (page 62).

The major purpose of this bill is to introduce such a taxi accreditation regime into the Transport Act 1983. In developing the proposal there has been very substantial stakeholder consultation through the National Competition Reforms Implementation (Taxi) Working Party, ably chaired by the honourable member for Brunswick in another place.

The current regulatory framework of the taxi industry in the Transport Act has remained fundamentally unchanged for well over 20 years. During this time there have been major changes in the taxi industry itself, in public transport at large and in regulatory theory and practice. The existing taxi regulation has not kept pace with all these changes. As a result it is outdated, overly prescriptive and inadequate at a time when there is an increasing focus on safety and service issues. It fails to identify clearly the key parties or individuals who are involved in providing the service and fails to make them accountable for their role.

Accordingly, it is currently unclear who has responsibility for the various elements of taxi service provision. A prime example of this is the almost total silence in the existing legislation about the role of taxi depots. In practice, depots have a pivotal part to play in service delivery: all taxi operators are required to be affiliated with a depot; depots receive bookings from the public; depots dispatch drivers and are able to discipline them; depots receive and handle customer complaints. Yet there are no specific accountabilities or responsibilities on depots at all in the Transport Act. Hence, despite the importance of depots, there is no means for the regulator systematically to monitor and, where required, intervene in the performance of depots to help ensure the adequate delivery of taxi services.

Driver disciplinary proceedings are an example of where the absence of any regulatory control over depots has led to particular concerns. Depots are in a position to withhold bookings from a driver for a period in situations where the depot alleges misbehaviour or contravention of depot rules by the driver. During this period of suspension the driver, and taxi operator, suffer a significant and irretrievable reduction in earning opportunities. In these cases the depot typically holds a subsequent hearing into the driver's alleged misbehaviour. Nevertheless, the rules and conduct of these proceedings are entirely under the control of the depot. The government considers that it is reasonable that all depots meet basic standards of natural justice for disciplinary hearings. For example, drivers should be able to have a representative with them should they so wish. To make this requirement, however, requires depots being recognised in the legislation and the power to impose standards on them.

The bill will address these inadequacies in the current legislation by introducing modern regulation to the industry. In regulating the operation of taxi services there will be a clear distinction between:

regulation of the number of taxis; and

regulation of business and service standards and of the probity and professionalism of persons providing services.

Existing taxi licences will, of course, be retained but their role would be restricted purely to defining the scope of operation for individual taxis and the economic regulation of the supply of taxi licences. Operation of a taxi would still require a taxi with a taxicab licence; hence it is expected that the value of existing, tradeable taxicab licences will not be materially affected by these reforms.

On the other hand, current provisions relating to the suitability of licence-holders and operators and to the provision of customer service will be transferred to the new accreditation scheme where they will be clarified and, where necessary, strengthened. Thus, there will not be a duplication of existing regulation but instead, in line with best practice, there will be a clear separation of regulation based on need and purpose. In this context I note that taxi industry accreditation schemes already exist in New South Wales, Queensland, South Australia and the Australian Capital Territory. Each of these jurisdictions also has a taxicab licence scheme to regulate taxi licence numbers.

The accreditation scheme will explicitly identify the activities associated with the key roles involved in the delivery of taxi services. These key roles are:

taxicab licence-holders;

taxicab licence operators; and

providers of taxicab network services.

Providers of taxi network services are taxi depots as well as secondary networks — these are less formal arrangements among some operators and drivers for the receipt and dispatch of taxi bookings. It should be noted that taxicab drivers will be covered under the separate passenger vehicle driver accreditation scheme.

A person who wants to undertake one of these industry roles will be required to be accredited to perform the activities

associated with that role. The accreditation will reflect their role in the taxi industry 'chain of responsibility' for the delivery of safe, reliable and efficient taxi services. For example, persons who currently operate taxi depots would require accreditation to undertake such activities as:

- receiving and dispatching bookings for hiring taxis;
- providing a central communications system for taxis; and
- maintaining a system for receiving and handling customer complaints relating to the hiring of taxis.

It will be an offence to undertake these activities without the appropriate accreditation.

The government wants to send a clear message about the need for increased professionalism in the taxi industry and about who it considers fit and proper to participate in it. The bill sets firm standards in the interests of protecting the public from systematic criminal activity, violence and fraud in the industry. For example, persons with the worst criminal history, involving crimes such as murder, rape and terrorism, predatory sexual offences against children and serious fraud and drug offences, will be automatically excluded from accreditation as taxi operators or providers of taxicab network services, subject to appeal to VCAT.

The bill makes provision for the setting of business and service standards. Where business and service standards are made, accredited persons will be required to demonstrate ongoing compliance with the standards appropriate to the activities they are accredited to perform in the industry. The bill lists a range of matters about which business and service standards can be made. They include:

- safety of taxicab drivers, customers and members of the public;
- compliance with applicable legislation;
- business capability;
- information and records management;
- financial viability;
- education and training;
- customer service, including, for example, availability and performance of wheelchair-accessible taxis; and
- complaint handling processes.

The intention is that standards would be largely performance based and specifically targeted in order to avoid unnecessary regulatory burden.

The bill provides for the business and service standards to be made by the minister by gazette notice. This will enable the minister to respond with appropriate speed to industry issues as they arise. At the same time it is recognised that there must be adequate consultation with relevant agencies, industry and the general public. Hence, the bill will require the minister to make any proposed standards available for public comment for a period of at least 28 days and to consider all comments provided in that time before making a final determination.

A suitable range of disciplinary actions needs to be available to the regulator if there is to be an effective and proportionate response to problems with industry participants. Under current legislation, non-criminal sanctions are limited to suspension or revocation of a taxicab licence. This provides no flexibility to the regulator. The bill contains a graduated hierarchy of disciplinary actions. These range from reprimands and imposition of conditions on accreditation, through directions to undertake particular training, to suspension and cancellation of accreditation. There is also provision for improvement notices in particular circumstances.

The cost of the accreditation scheme is expected to be modest and the major benefits of the scheme are expected to include:

Higher quality customer service — taxi operators, depots, and secondary networks will be required to keep records of, and report on, service standards. It is expected that, through benchmarking, those standards will improve over time. By enabling particular standards to be made, customer service in specific areas will be able to be monitored and improved. An example of this would be standards about the availability and responsiveness of wheelchair-accessible taxis.

Improved compliance — by clarifying the major obligations and the taxi industry chain of responsibility, consolidating requirements, and through promotion of accreditation requirements it is expected that the industry will better understand its obligations and hence compliance with existing and new requirements should increase.

Better future planning for the taxi industry — accreditation will require the industry to collect and provide service quality and other data; this information will allow better informed decisions to be made on matters such as taxicab licence numbers, fares and future service requirements.

Improved treatment of taxicab drivers — by ensuring depots and secondary networks are accredited, taxicab drivers will benefit from improved review and disciplinary procedures, which should provide for fairer and better treatment for drivers, and in turn should further promote better services for customers.

Other measures

Graduated penalties

The bill will also enable the graduated penalty scheme for ticket and transport offences to be modified to provide for Victoria Police to return to issuing ticket and transport infringement notices 'on the spot'.

Once appropriate regulations are made, ticket and transport infringement notices issued by Victoria Police will be issued at a single penalty level.

Amendments to Transport Legislation (Further Amendment) Act 2006

The bill also makes minor amendments to the Transport Legislation (Further Amendment) Act 2006 and to provisions of the Transport Act inserted by that amending act.

Conclusion

This bill represents both a completion of the major 2002 round of taxi reforms and the beginning of further industry improvement and reform. The government will continue to introduce improvements designed to deliver better taxi services to Victorians. A number of these initiatives are outlined in the *Meeting Our Transport Challenges* statement. A further example is the government's recently announced package of measures to address the financial hardship faced by many taxi operators in provincial Victoria and to ensure that regional communities continue to enjoy the benefit of a local taxi service.

At the same time the government will work towards a new legislative framework for the regulation of taxi services as part of a broader review of the Transport Act and associated transport legislation. This would build on the modern performance and process-based approach to accreditation contained in this bill. Discussions have been held with the taxi and hire car industries in recent years about these possible future legislative improvements. The industry has indicated broad support for these directions. These discussions will continue.

This bill is the most significant legislative change to taxi regulation in the last 20 years. It demonstrates the government's ongoing determination to pursue best practice reform to further improve public transport service safety and quality.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. R. H. BOWDEN (South Eastern).**

Debate adjourned until next day.

**ENVIRONMENT PROTECTION
(AMENDMENT) BILL**

Second reading

**Debate resumed from 23 August; motion of
Ms BROAD (Minister for Local Government); and
Hon. P. R. HALL's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the government decides on long-term plans to accommodate the disposal of all forms of industrial waste'.

Hon. B. W. BISHOP (North Western) — I rise on behalf of The Nationals to make a contribution to the debate on the Environment Protection (Amendment) Bill and of course to support the Honourable Peter Hall's reasoned amendment, which we in The Nationals think is quite practical, sensible and timely in relation to where we sit in the political agenda, with the government's proposal to place a toxic waste dump in the Mallee, and in relation to various other current issues about the environment and waste management.

I spend a bit of time reading the second-reading speeches of bills that come before this place, and I have noticed that over time the second-reading speeches have changed. They used to set out very clearly the practical aspects of the bill as distinct from following the legalistic approach of the bill proper. I have noticed that they now use more politic-speak, if I can use that term, and promote the views of the government of the day, which in this case is the Labor government. At page 3 the second-reading speech states:

The government is therefore pleased to announce that it is directing the Environment Protection Authority to operate in a new, smarter and enhanced framework.

That sounds really good! A bit further down the page it says:

The government believes there is a strong nexus between environmental outcomes and economic outcomes.

The Environment Protection Authority will be asked to find, and help businesses pursue, this nexus wherever it can.

This represents a new way of regulating. Most people believe that regulation must add to business costs. The direction from the Bracks government to the Environment Protection Authority is to find ways to develop and implement regulatory approaches that improve the environment and, where possible, improve profits and business outcomes.

Further the speech says:

The Environment Protection Authority will be equipped to help ensure that Victoria becomes one of the first places in the world where the environment routinely becomes a business opportunity rather than a business cost.

That all sounds pretty great! I suppose it would be good if that were how it would work, but I suspect in this case it is all spin. In any case, let us give the Environment Protection Authority its first job and have another look at part of what I have just read out. The speech says:

This represents a new way of regulating. Most people believe that regulation must add to business costs. The direction from the Bracks government to the Environment Protection Authority is to find ways to develop and implement regulatory approaches that improve the environment and, where possible, improve profits and business outcomes.

I think this is a fair ask of the Environment Protection Authority. Given that the government has always clearly said that it is concerned for and governs for all Victorians and is concerned for the environment, let us see how the EPA goes with the tasks that it might be given.

Let me say that the principles espoused in these particular issues are seen as an absolute joke in north-western Victoria. It is an absolute joke to put a

toxic waste dump at Hattah-Nowingi, because those issues contained in the second-reading speech mean absolutely nothing. If the government proceeds with this flawed proposal, there will be a huge loss of revenue in trade and a huge loss of jobs, and that has been pointed out very clearly and documented during the panel hearings.

But let us first have a quick look at the environment, which is what we are talking about today. If I had never seen double standards before, I can see them now. I can see them from the EPA, from the Department of Sustainability and Environment and from Parks Victoria. If we lump them all together, it is a clear set of double standards.

There are about 6 hectares of prime Mallee land about which the government and the Minister for Planning said, 'Go for your life! There are no problems. Do what you like. Cut all the trees down. It does not matter what you do'. They said this 6 hectares of prime Mallee land could be clear-felled. I can tell you now that if anyone else tried to do that, you would be inside looking out so quickly from any of those authorities that it would not matter what you did. It has been a particularly weak effort from Parks Victoria. There has not been a peep or a blink from Parks Victoria as the whole process has unfolded.

But let us keep with the environment and talk about the clearing of the trees. With respect to the 6 hectares of Mallee trees, the government says that it is absolutely keen on carbon credits and it wants to move very strongly in that direction. It is my understanding from research that I have done that each hectare of these Mallee trees would handle around 600 tonnes of carbon dioxide, so we have the management of almost 4000 tonnes of carbon dioxide being completely ignored by this flawed proposal.

On the subject of the environment, let us move on to the emu wren and the mallee fowl. Again I say that people in the environmental sector of the government have been absolutely silent on all of these issues when they should have been putting their views forward. I raise the point that the government says it is governing for all Victorians. I am sure that the people of north-western Victoria do not believe the government is governing for all Victorians when it wants to cart toxic waste 500 kilometres from its prime source by road, through all the towns and past all the schools, houses and hospitals, wherever they might be, to the Mallee. The only advantage to the government of doing that is that it is a long way away from where most of its seats are.

Some discussion came up about transporting the toxic waste by rail. The environment people said it might be a bit better. With the way the railway lines are operating at the moment you would not put a jolly thing on a train. Rail services are so slow. We have had the promises and the Auditor-General's report on the standardisation of rail. I might say that it was a damning report, but in this contribution I do not have the time to deal with that. That rail project shows the government's mismanagement, or perhaps its lack of care and concern for country areas. If government members proceed with this toxic dump and wish to bring the toxic waste up by rail, they would certainly have to fix up the railway line. Is that a trade? Do we trade toxic waste in the Mallee for a railway line? I would have thought it was a pretty rotten trade.

Going through the processes of all these issues it has been very clear to our people that the process has been flawed right from the start. The process started at the end of 2003. We all know the story. Three sites were selected on private land. In summons-like processes cars swept into farmyards and delivered letters to the people. It frightened the daylight out of those people when they were told their land probably would be compulsorily acquired for a toxic waste dump. Those people objected and people power got together.

The government was skulking around at the same time and picked out a site at Hattah-Nowingi, which is not on private land but is next to the Hattah-Kulkyne and Murray-Sunset national parks, next to the internationally recognised Ramsar wetlands and right next to the food bowl of Sunraysia. It did not seem to stop the government, but the consultative process was a bit of a sham. We have not talked much about that in the Parliament, but it was a bit of a sham. Officers came out from Major Projects Victoria and chatted away to the locals, who are good people. The locals told those officers their concerns, and Major Projects Victoria staff used that as an example of attempting to slough off the problems that the locals put forward and were absolutely committed to pressing ahead with it.

What else happened just the other day? An article appeared in the *Weekly Times* of 9 August. Now there were some really good environmental signs along the Calder Highway adjacent to the proposed toxic waste dump. In fact the signs depicted a mallee fowl at the top and underneath said 'Mallee fowl — endangered species next 45 kilometres'. Of course underneath it the locals had put their sign, 'You are now entering a proposed toxic waste dump area'.

Guess what happened? The locals' sign went, as did the part of the other sign mentioning the mallee fowl being

an endangered species. It is all in the media, and the farmers were disgusted and dismayed that these signs had been removed. I think that shows that the government's process is pretty tough. The government does not care about the environment, about our flora and fauna or about the community up there. That action shows what length the government is prepared to go to on this particular issue. I turn again to the second-reading speech. Some of the second-reading speeches — —

Hon. P. R. Hall — You like that second-reading speech.

Hon. B. W. BISHOP — I do like it, Mr Hall, because it has given me some wonderful things to talk about. It is on page 15. It says under the heading 'Achieving reductions in hazardous waste':

Prescribed industrial waste is produced in the manufacture of goods and services that Victorians use on a daily basis.

And here comes the good bit.

These wastes are potentially hazardous —

which is what we have been saying for a long time — years — but it is here in the second-reading speech. They are the government's words, so does Mr Drum agree it must be right?

Hon. D. K. Drum — One would think so.

Hon. B. W. BISHOP — And potentially dangerous. The speech goes on to say:

and need to be managed appropriately. Reducing the generation and disposal of prescribed industrial waste is a high priority for this government and the community.

All that sounds pretty good, but I do not think it is right. I do not think government members have put their shoulders to the wheel in reducing the generation of toxic waste. I wish the government had spent as much money on that as it has spent on bludgeoning the community in the north-west about this proposed toxic waste dump. Government members will not tell us how much the process has cost, including the panel hearings. They will not tell us the whole cost of the facility.

Hon. D. K. Drum — Tens of millions; hundreds of millions of dollars!

Hon. B. W. BISHOP — I do not think they know, Mr Drum. It probably is hundreds of millions. My colleague Mr Drum did a lot of work and found some people in Western Australia who have a very good process which we believe the government needs to take a good look at. If government members are fair dinkum

about managing the issue, as the minister says they are in the second-reading speech, they would go to Western Australia and have a look at what Mr Drum has discovered off his own bat. It seems to be a really good process. The Western Australian method would manage the waste that we have at the moment. The waste would be used for the generation of power and would certainly reduce greenhouse gas emissions through reducing the amount of road transport required to transport waste up the proposed route to the Mallee.

That method would only produce a minute amount of the emissions that would be produced by a number of trucks going to the Mallee each day. The EPA ought to be promoting this. This is new technology, and the authority should be right into it. It is a great pity that it is not. I will refrain from going into the second-reading speech again, but I want to mention the managing of the process of dealing with the so-called hazardous waste. I call them toxic dumps.

I have another article for the EPA to note. It is from the *Sunraysia Daily* of 31 May 2006. It says:

Major Projects Victoria has been accused of concealing an important consultant's report which pointed to the danger of the proposed toxic waste dump at a Nowingi.

In a late sensation at the EES inquiry held in Mildura yesterday, a crucial document was presented to the panel and questions asked about the 'deliberate' withholding of evidence.

The independent panel was considering the report from renowned hydrogeologist Dr Phillip Macumber last night and will report back on their deliberations when the inquiry resumes this morning.

This is very important. Dr Macumber is a fellow of the science faculty at the University of Melbourne. He is highly regarded in the area of hydrogeology. In fact there is no doubt that this report, which has been hidden — there are probably other reports around — creates real doubts about the whole issue of how to store this particular lot of toxic waste. We asked, 'Will it leak?', and no-one seems to be answering that question. Perhaps the EPA might be able to do that. We say it will leak over time. If it is going to be there a long time, it will obviously have to be tested in relation to that. Dr Macumber's report appears to support the view that if it does leak it will move into the water table, and we will be in real trouble. That is why this house has to support the amendment moved by the Leader of The Nationals in this house — —

The ACTING PRESIDENT

(**Hon. R. H. Bowden**) — Order! The honourable member's time has expired.

House divided on omission (members in favour vote no):*Ayes, 22*

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

Noes, 18

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

Amendment negatived.**House divided on motion:***Ayes, 36*

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

Noes, 4

Baxter, Mr (<i>Teller</i>)	Drum, Mr
Bishop, Mr (<i>Teller</i>)	Hall, Mr

Motion agreed to.**Read second time.****Committed.***Committee***Clauses 1 to 32 agreed to.****Clause 33**

Hon. D. McL. DAVIS (East Yarra) — Clause 33 is the first clause under part 3 of the bill to deal with environment and resource efficiency plans, and I wonder if the Minister for Local Government might explain, since a number of the following clauses also bear on these matters, how the environment and resource efficiency plans would actually operate in practice.

Ms BROAD (Minister for Local Government) — I have some very detailed notes, as it happens, in relation to how the process for development and implementation of the environment and resource efficiency plans are intended to proceed, and I am very pleased to outline those to the committee.

Essentially the key elements of the process are set out in the bill, as we know. That will be further developed, it is important to say, in consultation with industry through the process of making the regulations that will put the scheme into practical effect. In addition, those regulations will also be backed up by guidance documents as well as by active support delivered to businesses both through the Environment Protection Authority and in partnership with industry associations.

There are a number of key stages in the process to develop the plans. They include, firstly, the self-assessment and registration stage. This is when a business that suspects it meets the thresholds for energy and/or water consumption at a site will need to check its consumption levels and register with the Environment Protection Authority to see if it meets the thresholds. In addition to that, the EPA will make contact with any commercial or industrial site that it believes is likely to meet the thresholds to ensure that those sites are aware of the scheme and can undertake self-assessment.

The second stage is the development of the plan. It is important to say that if an existing strategy is in place to address energy and water efficiency and reduce wastes, existing work will be recognised and a full or partial exemption will be granted, if it is delivering the outcomes which are desired under this program. An example of that is many large public hospitals which have already undertaken actions that we expect would be recognised. If existing systems are not in place, a cost-effective assessment of energy and water use and waste generation will be undertaken to identify opportunities for more efficient energy or water consumption or a reduction of waste generation and disposal. Those identified opportunities to reduce energy or water consumption or waste disposal which pay for themselves in three years or less must be

included in a draft of the environment and resource efficiency plans and then be submitted to the EPA for consideration. If they do not meet the threshold, then clearly they are not required to be included.

The third stage is a review and approval by the EPA. The EPA will review the draft of the environment and resource efficiency plans and look at the assessment of resource use and opportunities to make improvements. In undertaking this review exercise, the EPA will primarily intend to assist companies to identify options for environmental resource use efficiency that may have been overlooked. However, in order to ensure that the program works, the EPA also needs to make sure that all large energy and water consumers take this issue seriously. It needs to ensure that some firms are not trying to take or gain a short-term advantage by avoiding the issue through inadequate assessments or implementation plans that will simply delay the taking of action. If the EPA rejects a draft plan, it will provide advice to the company affected about what needs to be done to make the plan suitable for approval when it is resubmitted.

The fourth and final stage which follows the approval of the plan is its implementation. The plan for each site will need to be implemented. It is anticipated that a plan will normally be implemented over a period of a number of years. In the life of that plan, two simple reports on its implementation will need to be submitted to the EPA. The first of those will be halfway through the period of the plan's implementation; the second will summarise the outcomes achieved at the end of the implementation period. Following the successful implementation of the environment and resource efficiency plan, the actions put in place to reduce energy and water consumption and waste generation will need to be maintained. If the site is still above the thresholds for participation in a plan program, then a reassessment of resource use efficiency opportunities and a subsequent plan would be developed after a period of, it is expected, 8 to 10 years from the initial assessment and planning phase.

That is a fairly detailed description of how the process is expected to work. The process will be implemented not only on the basis of what is set out in the bill but also the regulations that are to follow and what happens in the stages of the process.

Hon. D. McL. DAVIS (East Yarra) — I thank the minister for her detailed explanation. I wonder whether she will make available to the house the list of 250 sites that the Environment Protection Authority has identified as the likely larger sites around the state.

Ms BROAD (Minister for Local Government) — In response to Mr Davis, I can advise him that the thresholds, as I indicated in my earlier response, will be set out in the regulations. Those thresholds will then determine which sites are subject to plans. The program will mostly involve firms from industry sectors that the Environment Protection Authority has traditionally worked with. It is expected that large food and beverage manufacturers, metal processors, petroleum refiners, petrochemical product manufacturers as well as wood and paper product manufacturers would be included. Extremely large office or retail complexes, universities or hospitals may also be large enough consumers of energy and/or water to be required to participate. I am advised that only after the stage when those processes and regulations have been developed and are in place, including consultation with industry, will it be possible to identify and actually name businesses.

Clause agreed to; clauses 34 to 44 agreed to.

Clause 45

Hon. D. McL. DAVIS (East Yarra) — This clause regulates the provision of plastic bags, and I ask why the government decided to make the decisions it made regarding biodegradable plastic bags.

Ms BROAD (Minister for Local Government) — I am advised in relation to the decision and the announcement that the Minister for Environment in the other house has made in relation to the exemption for biodegradable plastic bags that it is in order to make exemptions to apply for these bags where they are required for health or safety reasons. My understanding is that it comes under that exemption for bags that are required for that purpose.

Hon. D. McL. DAVIS (East Yarra) — I thank the minister, but on a slightly different point: I understand the exemption process for specific uses of the bags, but my question relates to the biodegradability of the bags — that is, whether the government sought to put charges on that and how those decisions were arrived at.

Ms BROAD (Minister for Local Government) — In response further to Mr Davis, I can only reiterate that the exemption has been given where bags are required due to health or safety issues and clearly because biodegradable bags are much less of an issue in relation to the litter stream. Those were the reasons for exempting them from these regulations under part 5 of the bill.

Clause agreed to; clauses 46 to 53 agreed to.

Clause 54

Hon. D. McL. DAVIS (East Yarra) — Clause 54 relates to a number of points about waste, and I am in particular interested in proposed schedule E, to be inserted by this clause, which is the ‘amount payable as prescribed industrial waste landfill levy for each tonne deposited to land (in dollars)’. For category B waste it is \$130; category C waste, \$50; and category C waste which is packaged waste asbestos, \$30. Those represent increases. I do not say we oppose an increase; I am just trying to understand how the government has arrived at these specific figures.

The government, in media statements, has said that higher charges will result in lower volumes of industrial waste. I think that is true, but I am curious as to how the specific figures were arrived at, and I am even more curious as to how they were arrived at in the light of a document under the hand of Mick Bourke, chairman of the Environment Protection Authority. It is not dated but was sent to Professor Bill Russell, chairman of the independent panel inquiring into the Nowingi long-term containment facility and following a series of questions by the panel to the EPA and other bodies.

I will quote from the letter and ask the minister to respond in light of my question as to how the specific price was set. Mick Bourke said:

Regarding the price elasticity of demand for waste disposal EPA considered some available documentation from the *Hazardous Waste (England and Wales) Regulations 2005 — Final Regulatory Impact Assessment*. This assessment did not provide sufficient information for EPA to determine a relationship for the price elasticity of demand for waste disposal applicable to Victoria.

In effect, the head of the EPA is saying that the EPA does not have any suitable models or the capacity to understand what impact the price rises will actually have. In the abstract we can say that high prices lead to lower volumes, but one would hope that a little bit more science and thought has gone into the setting of these. Given the EPA statement that there is no evidence of that nature to a government panel I am curious as to how the government has set that new category B waste charge.

Ms BROAD (Minister for Local Government) — In response to Mr Davis I can indicate that the proposed levies for the different classes of prescribed industrial waste are certainly designed by the EPA and the government to send clear signals to industry that there is a need to reduce the volumes of these wastes requiring disposal, and the proposed rates reflect the relative level of community concern about the different categories of prescribed industrial waste.

They importantly are also designed to raise funds that will be reinvested to assist industry to avoid waste generation and to safely reuse those wastes that cannot be avoided so that volumes being disposed of to both landfill and the planned long-term containment facility are reduced. For example, the \$130 per tonne levy for category B prescribed industrial waste sends a strong financial signal to industry that these wastes are highly undesirable and must be avoided or reused where it is possible to do so at reasonable cost.

These category B wastes are the subject of significant community concern, and that is why the government is planning to build the long-term containment facility, amongst other measures, to ensure that they are safely managed and that any possible community or environmental impacts of their containment are avoided.

Further, in terms of the level of the levies, it is expected that the total cost of disposing of category B prescribed industrial waste to landfill — that is, the cost of pre-treatment before disposal, the gate price at the landfill and this levy — will be in the order \$450 per tonne, and industry costs for the deposit of wastes in the future will be an order of magnitude higher. In addition to that, I have also had some advice in relation to category C waste, but I think it is category B waste that Mr Davis is particularly wishing to focus on. Those are the reasons for the levy being set at that level — to send a very clear signal to industry about the action that needs to be taken and also to raise funds for reinvestment in order to avoid generation in the first place and to support reuse where possible.

Clause agreed to; clauses 55 to 59 agreed to.

Clause 60

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Clause 60 proposes to make certain parent corporations responsible for the obligations and certain actions of their subsidiary or related or associated entities. In the second-reading speech the minister says the reason for this is:

In some cases, corporate structures prevent the clean-up of sites which have been polluted in the chase for corporate profits.

That is the language used by the Minister for Environment in the other place. It is both strident and emotive, and I wonder whether the minister at the table could provide the committee with an outline of those cases referred to in the second-reading speech which give rise to this clause.

Ms BROAD (Minister for Local Government) — In response to Mr Rich-Phillips, I can indicate to him that I do have some further advice on this clause, which provides a more detailed explanation as to how it works. I do not have advice about particular cases. I am happy to seek that advice from the minister and to request that it be provided to Mr Rich-Phillips.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister. I would appreciate receiving that advice on the cases that are referred to in the second-reading speech.

As to the operation of this clause, I indicate that proposed subsection (1AA)(b), which is inserted in section 62A, says:

having regard to the nature and extent of the control by the corporation over the subsidiary ...

The notion of control is drawn from the commonwealth Corporations Act 2001. However, the description of control in that legislation makes it clear that control is an absolute concept. A parent corporation either has control or it does not have control, as defined by the commonwealth legislation. However, this bill introduces the concept of the nature and extent of control, and given the apparent conflict between the definition of control as being an absolute under the commonwealth legislation and the proposed extent-of-control test proposed under this legislation, could the minister explain how that apparent conflict will operate, given that this relies on the commonwealth definition?

Ms BROAD (Minister for Local Government) — Further in response to Mr Rich-Phillips, I am advised that neither the Environment Protection Authority nor the government believes there is a conflict. In relation to the contextual matters also to be taken into account, such as whether the corporation or one or more of its directors were aware of the relevant conduct, or whether it is reasonable to expect in the circumstances that a corporation or one or more of its directors would have been aware of the relevant conduct, there is no conflict with the commonwealth Corporations Act in relation to the definition of control over the entity at the time the conduct occurred.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I accept what the minister said with respect to those elements, but the specific question related to proposed subsection (1AA)(b) of section 62A, which goes to the extent of control. That is separate to the other matters in relation to the knowledge of the directors et cetera, which were addressed by the minister. I wonder whether she could address her comments specifically to

proposed subsection (1AA)(b) and the reference to 'extent' in that subsection.

Ms BROAD (Minister for Local Government) — To try to assist Mr Rich-Phillips, the advice I have in relation to this clause does not indicate that the fairly detailed question around the extent of control presents any issues in terms of the definition in the commonwealth Corporations Act. In terms of the bill and the clause notes, I am not able to provide him with any further advice about that. I am happy to request advice from the minister as to whether there is any further information that could possibly be given to him in relation to this question of the extent of control.

Clause agreed to; clauses 61 to 65 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

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

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

VICTIMS' CHARTER BILL

Second reading

Debate resumed from 22 August; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise on behalf of the Liberal Party to make a contribution in respect of the Victims' Charter Bill. The Liberal Party believes the current regime of dealing with victims has at least moved one step closer with this bill. However, we find that the charter itself is nothing more than wordsmithing and really fails to deliver concrete solutions for victims of crime — victims who are traumatised to the extreme by the entire process, be it through the commission of the offence, the investigation, the prosecution and subsequently. It is

perplexing when you see a bill before the house that is difficult to oppose because the very notion of opposing legislation that supports victims is in itself obscene, but what is frustrating is that the charter is no more than wordsmithing and there is no further step forward in dealing with victims in the criminal justice system. As the lead speaker for the opposition I indicate that later in my contribution I will move a reasoned amendment.

We think there should be opportunities for victims to be engaged in the process or closer to the issues at hand. It is interesting to go back to the history of the way victims were dealt with in the criminal justice system. In the not-too-recent past victims groups were formulated as an outcome of the sheer frustration of the process. Members would be familiar with Noel and Margaret McNamara, two people who work tirelessly in their victims of crime group to deal with the savage end of victims of crime, murder victims and their families. I, like some members here, attend the annual Flight of the Angels on the steps of Parliament where we release doves to represent those who were murdered over the past year in Victoria. You hear of the continual frustration about having to see the criminal justice system at its worst. I will talk about that in relation to the bill later, because the absence of a particular provision stands out.

Victims do not want more platitudes and statements about what is proposed or more feelgood statements. In this chamber we have seen time and again in different legislation — recently with the charter of human rights legislation — the government's platitudes. I have drawn attention to some provisions that were quirky, benign and meaningless in comparison with what they actually delivered. I stand by those statements and will be interested in the real test later on. We are seeing exactly the same with this legislation because while no-one can disagree with it — we are not opposing the legislation but are supporting it — we find it difficult not to support a charter when you understand the principles attached, which is feelgood stuff. When you ask what victims and people who deal with crime and the victims of crime on a daily basis want, they say it is good that we offer platitudes and opportunities to be recognised as set out in the principles. Clause 1, the purposes clause, states:

- (a) to recognise principles that govern the response to persons adversely affected by crime by investigatory agencies, prosecuting agencies and victims' services agencies; and
- (b) to establish requirements for the monitoring and review of the principles set out in this Act.

We have a framework of platitudes and principles. The Attorney-General is big on the left-wing rhetoric about feeling good and making sure it is nice and cuddly, but the realities are that that is not what I suggest needs to be put forward. That is the reason for my desire to move the reasoned amendment. I say we should recognise some of those areas that should be addressed by this legislation.

As a former detective I am amazed that victims often feel they are persecuted by the justice system. It is not by the investigatory or prosecuting agencies, but by the defence lawyers and the entire court process. They do not feel as though they are given a fair hearing. The victims feel the weight of the court is on the side of the accused rather than dealing appropriately with the issues confronting the victim.

Recently in Ballarat a victim of a rape had her case deferred because the offender did not bring his reading glasses from jail. Rather than the concerns of the victim taking into account — she had been waiting for this matter — the case was adjourned for 12 days. It demonstrates that despite the rhetoric of the charter the real application is in the courtroom, where the victim feels the real weight of the system in a negative way.

It is typical that the Attorney-General who, as a lawyer, is looking after his lawyer mates because clause 1 has no mention about recognising the principles applying to those in the court system. It is all about the coppers, the prosecutors and the victim service agencies. We should not touch the court system because those people are irrelevant to the victim. We see this time and again. We read about the continual frustration of victims in the newspapers, and we hear about it in the community. It is continually in the newspapers. This bill does nothing more than reaffirm in my view the concerns of those victims.

The government delivers nothing on everything it touches, including this bill. It cannot even get right putting a roof over Spencer Street railway station. When it is about the delivery of services and outcomes, the government fails.

We now have an opportunity for victims to be included in the system so that they are fully recognised. The Kennett government introduced victim impact statements which was a great move towards recognising that victims should have a say in a court environment, but there is nothing in this bill in relation to that situation.

New South Wales has what they call victim liaison officers, of which there are 30 in the court system. They

give direct and immediate support to victims of crime from the inception of the crime being committed; they follow the process through to the end. There is no money in the bill, nor is there any conception of helping victims — all we have are platitudes.

Clause 6, under the heading 'Treatment of persons adversely affected by crime', states:

- (1) All persons adversely affected by crime are to be treated with courtesy, respect and dignity by investigatory agencies, prosecuting agencies and victims' services agencies.

Whoopy-do! I am yet to know of a policeman who has gone to see a victim of a vicious assault and said, 'I had better make sure that I treat you with courtesy, respect and dignity'. The clause refers to 'prosecuting agencies'. From my experience, they would be the police in the lower courts and the Director of Public Prosecutions in the higher courts, or whatever they are called these days. I have seen those people in operation; they treat people with courtesy, respect and dignity. The victims services agencies always treat their victims with courtesy.

However, I do not see in the clause, the charter or anywhere else that:

All persons adversely affected by crime are to be treated with courtesy, respect and dignity —

by the criminal court, the judges or the defence lawyers. The government does not do it — the Attorney-General in the other place does not want to upset his comrades in arms — because that is not what the Attorney-General's main aim is. He wants to go to the next election and say, 'Isn't it wonderful? I have a charter for victims, I am all good and cuddly'. The reality is that it is all spin and smokescreen.

It is disappointing because we support the bill, but we do not support the overall approach that the government is taking. As I said earlier, there is no provision for ensuring additional support for the victims from the inception of the offence. There would be nothing better than having those support mechanisms and agencies available as soon as an offence has occurred. That demonstrates how lazy and inane Labor is.

The government has failed to deliver something yet again — be it the very fast rail or other projects. Anything the government has touched in this state has turned to mud. Unfortunately, victims in this state will miss out yet again. That is why I shall move a reasoned amendment to ensure there is a fair dinkum go at trying to develop a victims charter that addresses the real needs of victims. Therefore I move:

That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until victims of crime groups, the Sentencing Advisory Council and the adult parole board are consulted with a view to enabling victims of crime to be notified and given the opportunity to make a submission to the adult parole board prior to releasing any prisoner on home detention'.

We have drawn a distinction in the wording of the reasoned amendment because we want to see the bill be applied to the real issues. We have seen time and again offenders on parole or about to go on home detention, but the first thing the victim knows about that is when it is splashed across the newspapers. They find out that the offender who killed their son or daughter has been released on a home detention order as a result of the silly policies on home detention.

We are saying that situation should be covered in the victims charter so that it gives real meat in some areas. I would like to see the government commit to other examples such as appointing victim liaison officers. Over two years ago the Liberal Party announced a policy on that particular issue, and that can be read on our web site. We made a clear policy statement that victims need that support from the early stages.

One cannot argue with what the legislation is meant to do. It is getting to the stage where legislation being introduced is only about platitudes and principles, which are nice fluffy things, but there is no substance. That is reflected in the way the government does business. It is all about spin. The government is prepared to spend \$80 million. Just the other day we saw how the government committed to blowing another \$400 million of taxpayers money on future government advertising — and it was proud of that!

Government members see this as an appropriate mechanism of government to get the message out. It is prepared to spend \$400 million of taxpayers money over three or five years to tell everyone how great the government is, but it does not want questions being asked about the very fast train that is late and not fast, about the synchrotron that nobody wants to invest in, about the no-tolls EastLink, about the delays on the Spencer Street railway station, about accountability in local government or about anything of substance. On the other side of the coin it utters platitudes about, 'This is what we are going to do'.

The bill will be passed because of opposition support — and the government has the numbers, anyway — but I can guarantee everybody, as sure as night follows day, that we will end up with glossy government brochures that tell the victims groups that it has introduced a victims charter. What is the

government delivering? When the victims groups pick up the brochure they will ask, 'What is the government delivering for us?'

Ms Mikakos interjected.

Hon. RICHARD DALLA-RIVA — In reply to the interjection from Ms Mikakos, the answer is: nothing! There will be a glossy brochure about a victims charter from an Attorney-General who is obsessed with rhetoric and platitudes, but nothing else.

He made a statement three months ago about the urgency of suspended sentences, yet it is three months down the track and still nothing has happened. There is frustration out in the community when this type of thing continually happens. Honourable members in this chamber know it; they get approaches from various people who feel the frustration. I might say those people are looking forward to voicing their opinions on 25 November. That will be a great opportunity for a lot of people, including victims, to say that after seven years of this government being in power we have a Victims' Charter Bill which fails to deliver anything.

We released a victims policy 18 months ago. We had already called for better support for victims. We had a real commitment to applying real dollars to real issues in the real world, not platitudes and some document which will be sitting there, as I said, sounding nice, being warm and cuddly but really not doing anything.

I wonder how those victims and victims groups are going to feel when they pick up that charter and it says there is to be courtesy, respect and dignity but they see that does not include the courts, the judges, the magistrates or anyone else in that area. Government members will say this is typical of the Liberals wanting to impose their views and disregarding the separation of powers and that the courts should remain independent. I am not saying that but I know government members will, so I am just pre-empting the debate.

What I am saying is that if you are going to use platitudes and statements that mean nothing, those platitudes and statements should also apply where the victims really feel they are victims. A victim went to the Ballarat court wanting to get some justice and because the stupid prisoner forgot his glasses the case was adjourned for 12 days. I find that absolutely disgraceful, to be honest. It is no wonder victims of such serious offences struggle to go to court. I have seen it in my own experience. It frustrates me that this continues to be the case after so many years and that we as a Parliament and a society are doing nothing to deal with these issues.

Mr Scheffer spoke this morning about domestic violence and the fact that it is rife. He is right in the sense of the number of women who are affected by it. The reality is that when I was in the police we used to call the homicide squad the domestic squad, because unfortunately a lot of the homicides were related to domestic violence. Mr Scheffer was correct in his assertion in his members statement today that these people are not necessarily simply victims of murder or manslaughter — they are also subjected to rape in their own homes. Unfortunately we are sending a message that if you are a rape victim in this state you will not be protected. When people see stories like we saw a week or two ago about the woman who had her case adjourned, it makes women who are subjected to that type of offence wonder if they have to go through that process where they do not have protection. We all know that. We might not talk about it but we all know it. We need to be fair dinkum about it.

Ms Mikakos — Tell that to Kim Wells — he does not think it is core policing.

Hon. RICHARD DALLA-RIVA — Core policing? It is never the government's fault! I raise a genuine issue and the member opposite sits there and throws it away as the coppers' fault. The police do not liaise; their focus is on getting the offender and ensuring that evidence is maintained so they can present the offender to court. They try as best they can, with courtesy, respect and dignity, to engage with the victim, but they do it purely on an investigatory basis — they do it to collect evidence so they can present it in court. Members may think otherwise but there is nothing in the legislation which goes to the assistance of a victim after the police have dealt with the matter and got the statement. That is the issue I am concerned about in this piece of legislation.

Another point I want to raise in relation to the reasoned amendment and why we have asked that we take into consideration the victims of crime groups, the Sentencing Advisory Council and particularly the Adult Parole Board is that in recent times we have seen the introduction of home detention. There is a time lapse between the commission of the crime and the time served in prison. There is a front end and a back end to home detention. We know that at the front end persons can be placed in a home detention program. At the back end offenders can have their sentence reduced by six months — essentially giving them a back door exit into the wide world. Forget about front end and back end in their own home — they can go through the front door and the back door of their home provided it is within the relevant time. We see this as an opportunity for us to review this bill and come to a situation where victims

have a capacity to make a submission about those offenders who are in prison and about to be released on six months home detention. Victims should be able to make a submission to the Adult Parole Board prior to the release of any prisoner on home detention. We are opposed to home detention anyway but we are now saying this is an opportunity for real input from the victims. That is what we are trying to do — to get the victims to feel like they are part of the process and not a side event.

I look forward to the contributions from government members. I will be sending a copy of the *Hansard* to the victims of crime groups. I will be interested to hear what the government has to say in respect of what it is proposing to do. I want to hear real policy initiatives that will come from this Victims' Charter Bill. I would like to know what the government is proposing in terms of whether it is going to enhance the victims liaison officers, as happens in New South Wales. Is it going to make a commitment to ensure that victims who are in the court system are legitimately heard? Are we going to hear about systems to prevent people who are waiting to go to court as victims being frustrated by delays at the forensic science laboratory? We know it is delayed in its drug analysis. Are we going to ensure that the backlog in the County and Supreme courts is dealt with? We know victims sit there for months and years on end waiting for their matters to come up for trial.

I can guarantee those victims groups that they will not hear that today and they will not read about it in today's *Hansard*, because there is nothing there they can do. Government members will talk in platitudes, as I have indicated, but we will fail to see any subsequent debate by government members about these very issues, about dealing with the involvement of victims in the home detention process. We will not see any mention of addressing the issue of delays at the forensic science laboratory. We will not see any mention of dealing with the backlog in the court system, we will not see anything about dealing with the inadequacies of the court system — these situations come to light time and again, the most recent example being the case in Ballarat — and nor will we see any reference to supporting victims of crime groups in such a way that they will feel they can be part of the process.

As I said, this bill is not going to change the world. My view has always been that the very groups the government has asked to provide courtesy, respect and dignity have always done that. The ones who fail to provide courtesy, dignity and respect are those who sit on the benches opposite and defend some of these low-lives in society. Unfortunately they are not here. Why not? I would like to hear what they have to say,

but sadly it will not be in the debate. I will be making it very clear to the victims groups I send a copy of *Hansard* to that apart from platitudes, rhetoric and spin there is nothing of real substance that goes towards assisting victims into the future. Unfortunately those victims groups and other people in society will have to wait for the return of the Liberal government to power, because our party is the one that understands victims, not the other way around.

Hon. W. R. BAXTER (North Eastern) — This bill really epitomises the arrogant way in which this government operates and in particular just how the garrulous Attorney-General of the state of Victoria in this government conducts himself. Spin and hypocrisy know no bounds when it comes to the Attorney-General, and we see it again in this bill. This legislation is being heralded out there by him and by the spin doctors employed by the government as some great leap forward for victims rights — a victims charter. There is nothing new in it whatsoever, it is just bringing together in one document — and that may be no bad thing in itself — what is in various existing pieces of legislation. Yet the government chooses to attempt to deceive persons in the community who have suffered grievously at the hands of criminals, whether through assaults of various types or other crimes.

It is one thing to gild the lily when you are talking to interest groups on matters that do not involve personal injury and individual trauma, but it is another thing — an entirely inappropriate act — to try to deceive and mislead citizens who have suffered so grievously as victims of crime. Frankly I do not think the government is doing any service at all to the citizens of Victoria with this bill, particularly victims of crime.

Of course The Nationals are not opposing the bill — there is no reason to do so — but we do express our disappointment that it does not go far enough and offers nothing new. We support the reasoned amendment moved by Mr Dalla-Riva, because if the conduct envisaged in the reasoned amendment had taken place, we might actually have got before the house today a bill we could all be proud of and which moved things forward. But we do not have that, so The Nationals are prepared to support the reasoned amendment with a view to putting in place a mechanism which might retrieve the situation somewhat and rebuild a bit of confidence out there amongst the victims groups so that they know that they have been listened to and not simply dangled on a piece of string.

In terms of dealing with crime, sentencing and victims, I think that as a society we are in danger of getting a bit out of kilter. There is a genuine concern in the

community that some perpetrators are not getting their just deserts. That may or may not be so, but there is certainly a view in the community that victims are being sidelined, and I think that view has some substance. On the other hand, I am not one who comes from the lynching brigade. I do not want to see very heavy penalties imposed on perpetrators regardless of any mitigating circumstances. I am certainly not one who wants to take my cue from the front page of the tabloid newspapers, when on occasions they take it upon themselves to criticise certain judgments and whip up public fury. I think the remarks made by retiring Judge Gebhardt only in the last week or so are salient indeed, and we ought take notice of them.

It is for that reason that The Nationals have formulated a policy, which I suspect Ms Mikakos will label and brand as mandatory minimum sentencing but which is no such thing. At least our policy reacts to community pressure and community desire that the courts have before them an indication of what the Parliament thinks an appropriate penalty should be for certain criminal acts, and that if the judge wishes to move away from that penalty, either by making it heavier or lighter, of course that can be done but only on the publication of cogent reasons as to why. The Nationals believe that sort of system would give members of the public a good deal of confidence that their views were being listened to and that judges were reflecting community opinion.

I repeat that the comments of Judge Gebhardt, who is retiring, were significant, and I took a lot of notice of them. There is a danger that we can have two levels of penalty being meted out in the community. Some penalties could be meted out that somehow or other have been influenced by media fury, whereas people who have been convicted of similarly atrocious or more atrocious crimes may not get such severe penalties imposed simply because their particular cases have not attracted the attention of the tabloid media. As parliamentarians we need to be very careful to guard against a situation that would cause to arise a situation where we had two levels of justice being applied — one that was somehow or other influenced by media fury or by media titillation and one that was not so influenced in the absence of such attention. That has caused me concern for some time, and it continues to do so.

Frankly this bill does not excite me at all. It has been put together clearly with November's election in mind and to enable the government to produce yet another glossy brochure claiming credit for great advances it has made when in fact there is not a single advance in this bill, other than bringing together in one place various existing provisions. I say again that it is a sham,

but it is typical of the way in which the government operates. The public is beginning to wake up to it, and in due course this government will pay a penalty for it. When that occurs remains to be seen, but you cannot do this sort of thing in the manner in which this government does it without the public waking up to it, and the day of reckoning is approaching.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise to speak in support of the Victims' Charter Bill. It is a proud day on which we can debate and hopefully pass in this Parliament a piece of legislation that will very much address the needs of victims in Victoria — a commitment that was enshrined in the Attorney-General's justice statement, which was launched back in 2004.

This bill builds upon a raft of Bracks government initiatives in relation to addressing the needs of victims, including the reinstatement of compensation for pain and suffering, the establishment throughout Victoria of the Victims Support Agency and a new network of victims agencies, legislative change to give victims a voice in the sentencing process and the establishment of a victims register. These are just some of the initiatives which we have taken already to ensure that the needs of victims are properly addressed. This legislation will not only make sure that victims are informed about their entitlements and know how to access those entitlements, it will set clear standards for criminal justice agencies to follow when dealing with victims.

The bill will create a framework within which principles governing responses by the criminal justice system to victims of crime will be clearly articulated. It will provide a benchmark for the development of service standards and victims policy across the criminal justice system. In addition to setting out obligations for investigating and prosecuting crime and for victims service agencies, the bill also broadens the application of the charter principles through the development of criminal law victims service policy, the administration of criminal justice and victims services.

The government will of course be opposing the reasoned amendment moved by the opposition. I indicate that we have undertaken a very extensive consultation process. In fact it has been an 18-month process of research and consultation. The Victims Support Agency undertook 50 consultation sessions across Victoria with victims of crime and victims service providers, including consultations with members of indigenous communities, communities that speak languages other than English, the disability sector and organisations representing the interests of youth, the aged, children and women. A comprehensive

community consultation paper was launched on 14 September 2005, which was then followed by this extensive consultation process. The Victims' Charter Bill has been based on what the community told us in those consultations. We do not feel there is any reason to be deferring passage of this bill to enable further consultation to take place. We have already undertaken that consultation, and victims groups have told us that they want to see such a charter put in place. The bill is based on the outcomes that were undertaken during those consultations.

I note also that in the amendment the opposition has clearly indicated its lack of understanding of how the Adult Parole Board of Victoria works, because there is a reference in the amendment to victims being given the 'opportunity to make a submission to the adult parole board prior to releasing any prisoner on home detention'. For the benefit of the opposition I can advise them that the adult parole board already ensures that victims on the register are informed and invited to make a submission when the adult parole board considers directing an offender to home detention or release on parole. This process has now been enhanced to make sure it is clear to the victim if a hearing is being held in relation to home detention. As the opposition should know, the adult parole board considers any submissions tendered by victims when considering a prisoner suitability for home detention and victims on the victims register are notified in writing if the board makes an order for home detention.

In short, whilst the Bracks government is proposing real reform to benefit victims rights across the justice system, the Liberal opposition wants to stop this legislation to ensure that we undertake consultation on issues and mechanisms that are already in place. I guess all we can expect from the opposition is rhetoric about things that we as a government are already putting in place. I should not be surprised at the political posturing that is occurring here today, particularly coming from a party that, when it was in government, abolished pain and suffering compensation for victims of crime and also left victims services in a shambles.

I want to quickly turn to the issue the Honourable Bill Baxter raised in his contribution. He is right; I do characterise The Nationals policy as mandatory sentencing. If it looks, smells and sounds like mandatory sentencing then it probably is mandatory sentencing. The system of mandatory sentencing has failed wherever it has been introduced, except for its use as a sop to tough-on-crime populists, who see simple solutions to complex issues as a universal panacea to society's ills. As well as that, minimum sentencing, as The Nationals are proposing, would also

have serious effects on victims of crime because it would probably be less likely that defendants would plead guilty in such a regime. That would increase the likelihood that victims would have to participate in the trial process. We all know that victims who have to give evidence, particularly in complex and sensitive issues involving sexual and assault matters, can be revictimised by having to go through the trial process.

The Bracks government does not support the simplistic notion of a one-size-fits-all approach to sentencing. We believe that mandatory sentencing is an attack on the professionalism of our judiciary and demolishes the concept of judicial discretion.

I want to come back to the bill. As I said, we have undertaken a very extensive consultation process and do not believe there is any reason to delay the passage of the bill today. The bill has come about because it has become evident that victims have had negative experiences with the criminal justice system. These negative experiences can lead to victims being unwilling to come forward to report crimes and participate in the prosecution of offenders. We want to make sure that we have a system in place in Victoria that is sympathetic to the needs of victims. Of course we have to recognise that for some victims, particularly those victims of serious crime, the consequences of those crimes will live with them for the rest of their lives. I have spoken to many victims and the families of victims, particularly where there has been a homicide or a culpable driving matter, and have been able to establish through those discussions the huge amount of trauma experienced by those victims' families and the difficulty they will face in getting on with their lives.

What we are seeking to put in place is a framework — you could say a benchmark — by which the principles governing the justice system's response to victims of crime will be specified. The Secretary of the Department of Justice will have responsibility for monitoring the ongoing operation of the charter to ensure that these objectives are being met. The Attorney-General will also be reporting annually on the operation of the charter.

The implementation of the charter will be overseen by a dedicated victims charter unit which will be able to establish a complaints process for victims who feel that the charter principles have not been upheld. Training packages will be developed for members of the police and also for all other justice agencies to ensure that they fully understand their obligations under this legislation. By ensuring that victims of crime are linked into services to support them during their contact with the

justice system, we seek to ameliorate some of the negative aspects of those experiences.

I know that members of the opposition have sought to characterise this legislation as window-dressing, but that is very far from the truth. I do not think we should be criticised for making the public aware of the establishment of this victims charter. In fact I am very pleased to be able to advise the house that a victims guidebook is currently being developed for all criminal justice agencies which will provide comprehensive information about every aspect of the criminal justice process. This guidebook will be provided by the police to all victims of violent crime when the charter commences operation, and it will also be distributed widely to all criminal justice agencies and victim support groups. I think we should be applauded for that, because it is going to be a very important information resource about the charter for victims and the general community. We need to ensure that people have a better awareness of their rights and entitlements and also of the support services that are there to assist them and their families.

This legislation is also going to be supported by additional funding of \$3.3 million, which will help to establish this new unit that I have already spoken about to ensure that community education can occur and which will also provide for the training of staff within the criminal justice system to ensure that Victoria Police, for example, and also the Office of Public Prosecutions and other related justice agencies are able to implement the charter in full.

This is a commitment that has followed a massive injection of funds by the Bracks government to respond to the needs of victims. In the last two years alone this government has allocated funds of over \$66 million to help victims of sexual assault and family violence. We have had a quiet transformation in the way our legal system treats victims of crime. The victims charter is also a clear signal to the community that we will continue to provide assistance and treatment to the victims of crime throughout this state. With those words I urge members to support this important legislation and to oppose the opposition's reasoned amendment. I commend the bill to the house.

Hon. B. N. ATKINSON (Koonung) — I think the Attorney-General, the Honourable Rob Hulls, has missed his calling in life. I think he ought to have been a cosmetic surgeon rather than a lawyer or indeed a legislator, because he persists in bringing before this house legislation that is simply cosmetic, legislation that takes the law of this state no further forward, legislation that makes no improvement on behalf of

those people for whom it purports to improve the law, legislation that simply restates positions that are already established at law, and legislation that does precious little in terms of advancing the rights of people within this state. Perhaps there is a contest within the government ranks for who has the most legislation, but in his enthusiasm to become a populist Mr Hulls is simply introducing legislation that is of little value to this house.

In the context of this legislation, I am concerned that the rights of victims are not materially advanced by this bill and that in fact it is very much a piece of cosmetic legislation. It makes no improvement to victim impact statements, and it makes no improvement to the processes that involve the support of victims, in particular by not introducing victim liaison officers but rather leaving the support of those victims to already overstretched resources within the existing system.

There is not a single new initiative in this legislation. The reality is that many victims within this state feel they are left out of processes when it comes to their needs and their rights in matters that are before the courts or matters that are being investigated by the police. I believe the government and government agencies have a responsibility to keep victims informed, because that is part of the process by which they deal with the trauma and the anxiety that is associated with crimes that have been perpetrated upon them. It is very important that they be fully informed.

This legislation takes us no further forward, effectively, than we are already able to go in terms of other legislation that is already in place. One of the best steps that this house could take on this occasion is to at least support the opposition's amendment so that the bill does something.

House divided on omission (members in favour vote no):

Ayes, 16

Argondizzo, Ms	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Hilton, Mr	Romanes, Ms
Jennings, Mr	Scheffer, Mr (<i>Teller</i>)
Lenders, Mr	Smith, Mr
McQuilten, Mr	Somyurek, Mr
Mikakos, Ms	Thomson, Ms
Mitchell, Mr (<i>Teller</i>)	Viney, Mr

Noes, 12

Atkinson, Mr	Dalla-Riva, Mr
Baxter, Mr	Davis, Mr P. R.
Bishop, Mr	Hall, Mr
Bowden, Mr	Lovell, Ms
Bridson, Mr	Strong, Mr (<i>Teller</i>)

Coote, Mrs	Vogels, Mr (<i>Teller</i>)
	<i>Pairs</i>
Broad, Ms	Stoney, Mr
Buckingham, Mrs	Davis, Mr. D. McL.
Carbines, Ms	Rich-Phillips, Mr
Eren, Mr	Forwood, Mr
Madden, Mr	Drum, Mr
Theophanous, Mr	Koch, Mr

Amendment negatived.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I thank all members for their contributions.

Remaining stages

Passed remaining stages.

Sitting suspended 1.04 p.m. until 2.07 p.m.

Business interrupted pursuant to sessional orders.

ABSENCE OF MINISTERS

Mr LENDERS (Minister for Finance) — I formally advise the house that my colleagues the Minister for Local Government, the Minister for Sport and Recreation and the Minister for Energy Industries will not be present for question time as they, along with a number of other members, are attending the state funeral of a former minister, the Honourable Neil Trezise.

QUESTIONS WITHOUT NOTICE

Hazardous waste: Nowingi

Hon. D. McL. DAVIS (East Yarra) — I direct my question without notice to the Minister for Major Projects, Mr Lenders. I refer to the Department of Infrastructure correspondence to the Hattah-Nowingi planning panel, dated 18 August this year. Given that the minister has responsibility for the Hattah-Nowingi toxic waste dump, a government-proposed dump that will see tonnes of toxic waste transported by road and rail, will he now confirm this correspondence — that is, that between 1995 and 2005 there were 15 derailments

on the Geelong–Mildura and the Melbourne–Mildura rail route and that two of those were reported as serious, resulting in damage to rail infrastructure? And given this admission by the department, will he abandon his dangerous plan before the state election?

Mr LENDERS (Minister for Major Projects) — I welcome Mr David Davis's question and note his late conversion to the issue. He was a supporter of the Kennett government of course, which wanted landfill — untested landfill — in Werribee. His was the 1761st submission to the environment effects statement (EES) inquiry. There was a queue of 1760 ahead of him who noticed that it was on and thought they should write about it. I welcome his question and his conversion on the road to Damascus.

It would not surprise me if there is such piece of correspondence from the Department of Infrastructure to the panel. There probably is. I do not know of all the correspondence. As part of an exhaustive process of 24 significant submissions, 9 supplementary submissions and 56 hearings, many things have been brought forward, as a proper EES process should have happen. Secondly, if Mr Davis actually read through the 24 submissions, particularly the one on transport, and followed what is going on, he would know that before the panel are the various options for transmitting category B waste from Melbourne and other parts of the state to Nowingi and that the government has sought advice from the panel on the options.

If you were transmitting this waste — and of course Mr Davis knows this, because I am sure he has read the material — it is dry, non-toxic, non-combustive and non-explosive.

Hon. D. McL. Davis — Could you scoop it up?

Mr LENDERS — This is waste that would go into containers, and the EES panel still needs to advise the government whether road is appropriate or whether containers are appropriate. Mr Davis is joking about scooping it up, and his colleague Mr Bishop still has my scoop in his office. But leaving that aside, Mr Davis ought to reflect, as he disgracefully scaremongers around Victoria, that if he is concerned about a truck or rail container with an Environment Protection Authority licence having dry, non-combustible, non-infectious, solid products on board, and if he says that should be stopped because he wants to scare people, then he should start saying to the community of Sunraysia and the rest of the state whether he, were he a Liberal Party environment minister, would ban any petrol tanker taking fuel around the state.

The Prime Minister, with his imposed excise and his irresponsible economic policies, is trying to stop people driving, but if Mr Davis is suggesting that no petrol tanker should go into rural Victoria because of a standard he is applying selectively as part of a scaremongering campaign, then he should hang his head in shame.

This government stands by its process. As Minister for Major Projects I am the proponent of a long-term containment facility at Nowingi. There is an environment effects statement process, which in the end will say whether the site meets the tests. The panel will make a recommendation to the Minister for Planning, who will ultimately make the decision on it. Mr Davis should know that in this debate you cannot pretend there are not 89 000 tonnes of waste in the state. He cannot pretend there is not a problem. Members of the Victorian community are not fools; they know solutions need to be found for the long term. Hard decisions need to be made, and I and the rest of this government will proceed as the proponents. I welcome the supplementary question.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — Clearly the minister has no understanding of the risks that the communities along the rail lines and the Calder Highway will be exposed to under his government's plans. Given the proven risk of derailments on this shoddy line — in fact there are sections of this line to Mildura where the train speeds are reduced to 20 kilometres an hour — will the minister now agree that his department's plan is too dangerous and will place communities along the route in country Victoria at an unacceptable risk and therefore abandon his plan or tell the community what he is going to do before the election?

Mr LENDERS (Minister for Major Projects) — The government will not deviate from this process. We are the proponents of Nowingi because we want a world-class, safe site to store wastes in Victoria. We will not deviate from that. But as someone who lived in a country town when a petrol tanker overturned and a whole town needed to be evacuated at 4.00 a.m., I say to Mr Davis that the community is already exposed to the risk of far more dangerous substances going through places — combustible substances that are far more dangerous than anything Mr Davis is trying to scare the community with. We already exist in a society which sees tens of thousands of road accidents a year, and we have petrol tankers going around this state. If Mr Davis is suggesting that no fuel tanker will traverse the roads of Victoria because of a new standard he is

about to set, then he should explain to communities why they cannot have petrol in their cars. He is stirring up trouble. He is a troublemaker. He makes noise, but he does not care. He has no plan, and he should hang his head in shame.

Consumer affairs: *Stuff* magazine

Ms MIKAKOS (Jika Jika) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. It is important that we educate our young people about consumer issues so they can be informed consumers with the skills to protect their interests and avoid scams and rip-offs. Can the minister inform the house of any initiatives the government has undertaken to give young Victorians the information they need to know?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for her question, because this is an important issue. There are more and more goods being marketed to young people, and young people are more and more vulnerable in every way. They have access to finances that the young people of generations past did not have access to, and they can become the victims of rip-offs and scams. Young people are very vulnerable when it comes to mobile phone contracts, including the marketing of short message service text messages, ring tones and downloads. They are more vulnerable than older people, so it is very important that we send them an early response so they have the knowledge they need and are forearmed. Young consumers need the knowledge and ability to negotiate on and understand the terms of the contracts they enter into. They also need to understand what are the appropriate ways of being treated by those who are providing goods and services and what they can expect from them.

We have launched the new and improved *Stuff* magazine for young people between the ages of 17 and 19. It will be given to year 12 coordinators to distribute at the schools. This year we will also be making sure that young people in TAFE colleges and community centres also have access to *Stuff* magazine. We hope young people will keep the magazine and refer to it, as it has some very important information in it for them. This year we have broadened the amount of information provided. It contains not just consumer information but also information in relation to volunteering, healthy living and body image. There is a lot of information in the magazine and we think it will be a useful tool for young people. It contains interviews with young people about their experiences, including young celebrities, who talk about their lives and the things they have learnt. It also talks about young

businesspeople, such as a young couple who started a business when they were straight out of university. But that is not all we are doing.

An honourable member — There is more?

Hon. M. R. THOMSON — There is more. Unlike the opposition, we think there is more to providing information to young people than its policy of just supporting the Financial Literacy Foundation and its program in schools. We already provide a program for commercial literacy. We provide curriculum guides for teachers on their commerce, English and maths courses. Those guides make it possible for our teachers to provide students with information on consumer issues.

Honourable members interjecting.

Hon. M. R. THOMSON — Yes, there is more! We have taken it a step further. We have also provided curriculum guides on health and wellbeing to help students discern what is good product and what is not good product. There is also *Consumer Stuff* — *A Resource for Teaching and Learning about Consuming Planet Earth*, because we know young people are concerned about the environment and need to have the tools to make the right judgment calls. I suggest that members opposite should all get a copy of *Stuff* magazine. They can always learn a lot about consumer issues, because of course their policy is in fact stuffed!

Auditor-General: deputy reappointment

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Finance. Recently Des Pearson was appointed to a seven-year term as Victoria's next Auditor-General. As the minister responsible for parts 3, 4 and 5 of the Audit Act, was the minister consulted before the outgoing Auditor-General, Wayne Cameron, as one of his last acts, reappointed his deputy, Edward Hay, for a further five years?

Mr LENDERS (Minister for Finance) — No.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his extensive response to my earlier question! I ask in response: will the minister confirm that the new Auditor-General, Des Pearson, has expressed to the government his grave disquiet both about Mr Hay's long reappointment and also about the fact that Mr Cameron did not consult with or even tell him before making Mr Hay's reappointment official?

Mr LENDERS (Minister for Finance) — No.

Hon. Philip Davis — On a point of order, President, I do not think I got fair measure in regard to the question, and I wonder whether it would be in order to ask a further supplementary as a result.

The PRESIDENT — Order! There is no point of order.

Information and communications technology: research and development

Mr SOMYUREK (Eumemmerring) — My question is to the Minister for Information and Communication Technology. The minister has often informed the house that skills are the key to the growth of the information and communications technology (ICT) industry in Australia. Can the minister provide an example of what the Bracks government is doing to ensure that Victoria is at the forefront of international ICT research?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for his question. There is no doubt that Victoria is leading the country in information and communications technology (ICT) growth and development. We are not only the leading state when it comes to graduates — 40 per cent of Australian ICT university graduates are coming out of Victoria — but we also account for 45 per cent of Australia's ICT research and development. We are definitely kicking above our weight. We are doing very well in relation to that.

The Bracks government is very keen to support ICT research. Through our \$10 million e-research initiative Victorian researchers will have the best grid research infrastructure in the country, which will mean that researchers will be able to work collaboratively across disciplines, shortcutting the time that it takes to reach outcomes with their research.

The ultra-broadband research network, VERNet, which the Bracks government contributed over \$21 million to support, is the most extensive research network of any state. The Bracks government was also instrumental in establishing the Victorian node of the National ICT Australia centre of excellence, which is known as NICTA, with initial support of \$8 million. In the most recent budget we have committed a further \$15 million because of the important work NICTA is undertaking. The Victorian node has been quickly recognised internationally for its research in the field of ultra-broadband, wireless ultra-broadband and sensor networks.

International recognition and collaboration is crucially important in the ICT research field. It is pleasing to see we are getting that recognition internationally in Victoria. That is why when I was in Israel I initiated discussions with the Technion Israel Institute of Technology in Haifa with the view of establishing a memorandum of understanding with the state of Victoria to develop a strategic alliance in the area of information and technology research and nanotechnology research.

Israel does have a reputation as a world leader in innovative ICT. The Technion is a pre-eminent ICT research institute and is one of the leading ICT research institutes in the world. That is why I am delighted to announce that the Technion has agreed to enter into a memorandum of understanding with Victoria which we expect to be finalised very shortly. This will ensure that our researchers have access to some of the best researchers in the world to work collaboratively in those two areas. It goes to show that having a plan and working with the industry can produce results. The Bracks government does have an ICT industry plan and it is showing results for the ICT industry and is delivering results for Victoria, unlike the opposition, which is yet to have a policy.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — I direct my question to the Minister for Major Projects, Mr Lenders. He would be aware that our endangered species are a major factor in the panel's consideration of the government's proposed toxic waste dump at Hattah-Nowingi. Why has the government removed roadside signage adjacent to the proposed site that said, 'Mallee fowl — endangered species next 45 kilometres'?

Mr LENDERS (Minister for Major Projects) — I give Mr Bishop full marks for trying to be very trying. If we are talking of the emu wren, let me recount to Mr Bishop and the house that when I went to Sunraysia to visit the site and the community — Mr Bishop is a gentleman and he actually stood up for me at a fairly rowdy public meeting, so I give him full credit for that — in Mildura I got hectored at every step and was told, 'If you go near the site, be very quiet. It is the breeding season for the emu wrens and if you are a bit noisy, they will not breed'. I paid full heed to that. When I got to the site there were 400 people chanting my name with megaphones and talking about a dump. I say to Mr Bishop that if he is concerned about the emu wren, I suggest he talk to his Nationals colleague, Mr Crisp, who was stirring them up with the megaphone, and to a lot of other people in Sunraysia. I

join with them in agreeing to protect the emu wren, but let us be consistent in how we look after the poor bird.

On a serious note, the argument over the site and its use is a contentious issue. It is part of the vibrant democratic process, and I think the emu wren has had a fairly bad run in Sunraysia. There are some very passionate local people who believe in the wren and I have met some of them. I am not aware of any signs been taken down. I will obviously ask Major Projects Victoria to look at them, but I imagine it is not a decision of Major Projects Victoria but a decision of VicRoads or someone else. Mr Bowden should be on the case if VicRoads is letting us down here.

I am not aware of it, but I will inquire about it, because we are serious with the environment effects statement process in looking after the emu wren, even though there are some protesters in Nowingi with their vibrant enthusiasm for the democratic process who have forgotten that it does need to breed and should have a bit of peace and quiet.

Supplementary question

Hon. B. W. BISHOP (North Western) — I thank the minister for his answer and I assure him that our flexibility will be maintained in the future. I can assure the minister that the signs have gone. Will they be replaced?

Mr LENDERS (Minister for Major Projects) — I think I have answered the question for Mr Bishop. I will direct the issue to the appropriate department.

Public transport: seniors Sunday pass

Mr PULLEN (Higinbotham) — My question is to the Minister for Aged Care, who is the minister responsible for senior Victorians. Will the minister advise the house how the Bracks government's new public transport initiatives benefit Victoria's 830 000 seniors card holders?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Pullen for his question and his concern about the wellbeing of senior Victorians. I will be very pleased to be in the company of my colleague the Minister for Transport in the other place this Sunday, 27 August, which will be the first day on which the seniors saver scheme will work in Victoria. It is part of the commitment of our government with \$33 million over the next 10 years being allocated to provide support and encouragement for the senior members of our community to use public transport across the state of Victoria.

Hon. Andrea Coote interjected.

Mr GAVIN JENNINGS — Yes, the scheme will apply every day. It will apply in different circumstances.

Hon. Andrea Coote — What about the weekends?

Mr GAVIN JENNINGS — I will go through it for the member to indicate how the scheme will work. In regional areas of Victoria for those who use V/Line services right across Victoria, the concession that will apply for senior Victorians from 27 August will apply all the time throughout the course of the week and will be the same concession that applies to pensioners and health card holders. The seniors concession —

Hon. Andrea Coote interjected.

Mr GAVIN JENNINGS — The honourable member was getting a complete answer and she does not need to assist me in getting a complete answer to the story. I will run through the regime for the benefit of the house and the community. The V/Line concession for seniors will be the same as for pensioners and health card holders and will apply throughout the week for the very first time. With bus services that apply in regional Victoria and major cities such as Ballarat, Bendigo and Geelong there will be a Sunday pass for senior card holders for free transport in those regional centres. The Sunday pass will also apply to all metropolitan services, whether they be train, tram or bus services and every seniors card holder who makes an application and receives their seniors savings card will get free access to metropolitan transport each and every Sunday of the year.

Beyond this scheme there will be additional benefits that will accrue to seniors to enable them to have free transport right throughout the state of Victoria to support their holiday activities and recreational activities throughout the course of the year. This will be a huge boon for seniors. It is part of the Bracks government's commitment through the \$10 million strategy in rising up and meeting the transport challenges. It is part of the strategy that sees us refitting and making sure our train stations, tram stops and bus stops are more accessible to those in our community who have a degree of frailty or degree of disability.

It is a significant investment to make sure that our public transport system is used at greater rates than ever before in terms of the very important seniors who want to go about their business, have fun and involve themselves in community life, and do it through appropriate free and subsidised supported public transport. The Bracks government is very pleased to

make that commitment, and I will be pleased this Sunday — the first Sunday to which the scheme will apply from here on in — to meeting many, many happy seniors receiving their free travel as part of this great Bracks initiative.

Ombudsman: jurisdiction

Hon. B. N. ATKINSON (Koonung) — I direct my question to the Minister for WorkCover and the TAC, Mr Lenders. The minister introduced legislation in 2005 that he claimed would extend the jurisdiction of the Ombudsman to provide an independent and impartial review of the management and handling of compensation claims. As he is aware, the convener of medical panels is now challenging in the courts the jurisdiction of the Ombudsman to conduct investigations into probity and conflict of interest issues involving medical panel decisions on claims. I therefore ask the minister what action he personally has taken to resolve this jurisdiction issue to avoid the waste of taxpayer funds to sort out a demarcation dispute between two government agencies?

Mr LENDERS (Minister for WorkCover and the TAC) — Mr Atkinson raises a serious issue about demarcation between government agencies and about any costs associated with a dispute. It is a serious issue and I do not wish to belittle it, but I remind Mr Atkinson that in a Westminster system, with its separation of powers, I am not about to intervene between the Ombudsman and the convener of the medical panels who are in Supreme Court action with each other, to purport to tell the courts or the independent agencies on behalf of the executive what to do.

We know the Ombudsman is an independent officer of the Parliament, and the convener of the medical panels is clearly a step removed from executive government. It is a serious question, that governments need to be focused on how you have things in the courts that can be resolved between internal government agencies. Once it is in the courts, it is not the role of a minister to be a commentator or to intervene to try to stop actions being held in a court.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — The Victorian WorkCover Authority funds the medical panels, and the 2005 legislation extending the role of the Ombudsman in WorkCover provides VWA funding for the Ombudsman's office as well. The minister is funding both government agencies in the court proceedings that will resume with trial directions on

29 August. This legal action could take years, cost hundreds of thousands of dollars and disadvantage WorkCover claimants. Will the minister intervene in this dispute and resolve it by negotiation or by legislation to clarify the jurisdiction in order to avoid unnecessary, costly and protracted legal frolic by two government agencies which the minister funds?

Mr LENDERS (Minister for WorkCover and the TAC) — As I said in my principal answer, it is a serious question Mr Atkinson raises about this issue, but on his analogy that I am responsible for funding both the medical panels and partly the Ombudsman, on that basis the Attorney-General funds the Supreme Court and should direct the court what to do. We have independent bodies and processes under law, and Mr Atkinson raises a serious issue, but I am not going to intervene in a Supreme Court case. This has not happened since the Star Chamber in the United Kingdom, and I would suggest that it would be inappropriate for a minister to intervene in a court decision where independent bodies are legitimately contesting questions of law.

WorkCover: multilingual telephone service

Hon. S. M. NGUYEN (Melbourne West) — My question is to the Minister for WorkCover and the TAC. The federal government is attacking workers' rights and lowering safety standards at workplaces. Can the minister inform the house of initiatives the Bracks government has taken to maintain workers' safety and help those Victorians who are injured at work, in particular those whose first language is not English?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Nguyen for his question and his ongoing interest in the struggle that people often have when English is not their first language and they are dealing with the workplace, with government bodies or the like.

For those who have not had the experience when English was not their first language, it is probably hard often to understand how formidable and difficult it can be to work with the bureaucracy. What the Victorian WorkCover Authority is doing with the 30 000-plus workplace injuries a year — and probably we are talking of a state where one-fifth of the population is born overseas and English as a first language is not a common thing for many people in that category — is seeking to extend the WorkCover services and information to people whose first language is not English.

There is a way of doing that. We now have a telephone service in place in Italian, Spanish, Greek, Turkish, Macedonian, Vietnamese, Cantonese, Mandarin and Arabic as a starting point, where people can get a recorded message in those services to assist them. It is a phone system, and if that message is not sufficient, people can go through an interpreter service to a WorkSafe or WorkCover consultant, who will speak with them. It is an interactive service, and a person can listen to the message on several occasions. As someone who comes from a migrant family and did not speak English until he went to school, I know you often find it an amazing situation when you are seeking information and feel quite foolish when you have to ask the same question several times because you do not get the nuances of the answer. For a range of reasons this will be a good entry point for people to get assistance about information on WorkCover, such as their rights and responsibilities. I had the pleasure of launching it in Springvale last week with the member for Clayton in the other place, Mr Lim. There was a lot of community support when we launched it.

The second thing I would say, relating my answer to the second part of Mr Nguyen's question, is that in this sort of environment there are a lot of workers who are vulnerable because English is their second language. In that environment it is a travesty that the WorkChoices legislation is mandating and ramming Australian workplace agreements (AWAs) down people's throats, which makes it harder for people. It becomes an unequal relationship in that someone would be negotiating with a large employer but dealing with a large, voluminous AWA document printed in English, quite often in fine print and small font, yet they are being asked to sign the document.

It is a serious issue. WorkCover in its own area is trying to address the issue Mr Nguyen raises about making services more accessible. It is also an issue which makes our workplaces safer. It rolls into the broader debate about WorkChoices, which legislation is absolutely cruel to many in the community, particularly the vulnerable. One aspect of vulnerability is when English is not your first language and when you are working in a legal environment with such documents. I thank Mr Nguyen for his question. WorkCover in its way is assisting, but a far broader debate needs to be held.

Seniors: Council on the Ageing survey

Hon. A. P. OLEXANDER (Silvan) — I direct my question today to the Minister for Aged Care, Mr Jennings. I refer him to the Council on the Ageing (COTA) survey which was recently published, entitled

'Seniors Voices'. The survey was conducted in April and June this year; it polled a representative sample of over 500 Victorians aged more than 50.

Sue Hendy, the executive director, has reported some of the findings of the survey. She has said that 80 per cent of respondents said they believed the political parties are not interested in them, and just under 80 per cent of the respondents of that survey said the political parties were not producing policies to address their concerns as older Victorians. I ask the minister: what is the government's response to the COTA survey findings?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Olexander for his concern about the wellbeing of senior Victorians, and indeed for reminding us all of the scepticism, if not cynicism, that is out there in older sections of our community about the way in which governments of all jurisdictions and all persuasions may treat them, and in fact about the way in which political parties may try to address with what quite often is described as the burden of ageing, both in terms of the cost of services and the quite often negative connotations that attach to the quality of life for seniors not only in Victoria but also across the country.

I am aware of the work the Council on the Ageing has undertaken that Mr Olexander refers to. I have met with COTA to discuss that as part of a regular ongoing dialogue the government has with COTA. I understand that, from my involvement in aged care, you can be often associated with well-researched and well-documented policies and programs that may or may not resonate with the community. Part of our challenge is to make sure that those policies resonate, are meaningful and that we have programs that attach to them.

I have been associated with a number of policies, such as the public sector residential aged care policy, which I devoted significant attention to. Surprisingly the house has not paid any attention to it today, notwithstanding the fact that there has been an Auditor-General's report tabled today. I am flabbergasted that I have not been asked a question on that matter today. I should have perhaps arranged for a member of the government backbench to be enthused sufficiently to ask me a question about the Auditor-General's report. It is extraordinary that on the day the report has been tabled a question has not been asked of me by Mr Olexander or the opposition.

Hon. Andrea Coote interjected.

Mr GAVIN JENNINGS — I think the opposition spokesperson is leading with her chin a little in relation to this matter. I can think of a whole range of issues we could have discussed. We could have had a contested environment. Her generosity of spirit to let me go about my business on an unencumbered basis is extraordinary. It is the generosity of spirit that she may be known for throughout the Liberal Party and throughout the community, but certainly it seems to me that I am the beneficiary of that generosity of spirit. Notwithstanding that generosity of spirit, or lack of scrutiny that has been applied to me — —

Hon. Philip Davis — Are you going to reciprocate that generosity?

Mr GAVIN JENNINGS — I have been, haven't I?

Hon. Philip Davis — You were about to get off the track.

Mr GAVIN JENNINGS — It seems you think I was. My concern is to make sure that there are policies in preparation. The government of Victoria has been associated with a range of policies through the reforms to the home and community care program, through the positive ageing strategy and through the Well for Life program. To give credit where credit is due, a statement was made by the opposition in relation to elder abuse in January 2005. It did play a part in the debate, but it was the last issue of prominence raised by the Liberal Party in relation to policy development on aged care. It is the last issue of significance that I have witnessed — —

Hon. Andrea Coote — We have been out there on mandatory reporting for ages.

Mr GAVIN JENNINGS — That is one and the same policy. The extraordinary thing about Mr Olexander's question is that it has elicited from the opposition a raw nerve that was in fact barely touched. I think it is extraordinary that the opposition has allowed that to happen.

VicUrban: Ballarat office

Mr SCHEFFER (Monash) — My question is to the Minister for Major Projects. Will the minister advise the house of the progress of the VicUrban provincial unit office in regional Victoria?

Mr LENDERS (Minister for Major Projects) — I thank Mr Scheffer for his question and his interest in all matters relating to regional Victoria, particularly the progress of VicUrban's assistance to regional municipalities. I have informed the house before that at the mayors summit last year one of the big issues raised

was facilitating development in regional communities. Often when a municipality does not have a large department area of its own, it needs assistance to facilitate some of its projects. The mayors, as one, requested that the state government do this.

In the provincial statement last year the Premier announced we would be providing funding so that VicUrban could do some of its facilitation in regional Victoria. That has happened. I have informed the house previously of projects in Swan Hill and Hamilton, housing projects done by VicUrban and projects VicUrban has been assisting in Wodonga, Ballarat and Geelong, where VicUrban has been facilitating the Transport Accident Commission relocation. Those are some of the things that are happening.

I am pleased to inform the house that the Minister for State and Regional Development in the other place opened a VicUrban office in Ballarat. It is co-located with Regional Development Victoria. This co-location of two government offices is intended to facilitate their work.

Hon. B. N. Atkinson — That is just what they needed — another cost overhead!

Mr LENDERS — Mr Atkinson interjected and said, ‘That is just what they needed — another cost overhead’. I suggest he move to regional Victoria and talk to regional communities. Clearly Mr Atkinson is still one of the toenails men who see regional Victoria as the toenails whereas Melbourne is the beating, vibrant heart of the state. He is an unrepentant Jeff man — he shares the view of the former Premier, Jeff Kennett, that regional Victoria is the toenails of the state.

The Bracks government will bring more jobs to regional Victoria. For the first time in 40 years there is stronger growth in regional Victoria than in metropolitan Melbourne. For the first time in 40 years we have seen this turnaround. The last time we saw this was in the halcyon years when Henry Bolte was Premier of Victoria, when Henry Bolte and Gilbert Chandler moved the wholesale markets from the Victoria Market site to Footscray. That was the last time we had this sort of growth in regional Victoria. Perhaps there is a correlation with moving the markets — but I am being facetious.

What we see here is Mr Atkinson talking down our efforts. We have put a regional office in Ballarat. The Southern Grampians Shire Council is delighted, Swan Hill Rural City Council is delighted and Wodonga is delighted that this is happening. What we are seeing

now is a greater emphasis on regional Victoria. I am delighted with Mr Scheffer’s question, because what this means is that this government is making tough decisions. The benefit of a regional office in Ballarat co-located with Regional Development Victoria is that it is one more step towards making rural Victoria a better place to live, invest, work and raise a family. It is a good outcome. I thank Mr Scheffer for the question.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 5432, 6667, 7454, 7456, 7469–70, 7512–13, 7542, 7554, 7557, 7596–7, 7623, 7625, 7638, 7680, 7722, 7764–5, 7767, 7806–7, 7809, 7848, 7851, 7870, 7890, 7911–12, 7932, 7954, 7974, 7988–9, 8013, 8016, 8029, 8061.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I have directed nine questions on notice to the Minister for Information and Communication Technology for the Minister for State and Regional Development in the other place. They have been on notice for in excess of 30 days now. I wrote a letter to the minister on Monday about the issue, and I wonder if she can provide an explanation.

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I have received the letter from the member regarding the questions on notice for the Minister for State and Regional Development. We are endeavouring to get those responses to the member as efficiently as we can.

MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL

Second reading

Debate resumed from 23 August; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. ANDREA COOTE (Monash) — I have much pleasure in speaking to the Melbourne University (Victorian College of the Arts) Bill 2006. I say at the outset that the Liberal Party will be supporting this bill. It is quite an interesting bill that amalgamates two Victorian organisations. There are some positives, and I will read them out, but I also have some concerns. I hope the initiatives and standards of the Victorian College of the Arts (VCA) will not be jeopardised in the long term. The concerns I hear from a number of

people are issues to do with conflicts of interest, particularly to do with the music departments, but I will come to those issues further into my contribution.

The reason for this amalgamation is that both bodies are happy that the arrangement is the best way forward to enhance the study of performing arts in Victoria. This bill will merge the Victorian College of the Arts with Melbourne University.

I would like to go to the reasons they wanted to do this in the first place. However, before I do that I would like to talk about the Victorian College of the Arts (VCA) itself. The Victorian College of the Arts was established by an act of Parliament known as the Victorian College of the Arts Act on 30 November 1972. The foundation school was the National Gallery of Australia arts school which dates back to 1867. It was opened as the VCA school of art at the beginning of first term in 1973. The school of music was formed a year later. The school of drama followed in 1975 and the school of dance was established in 1979. Swinburne Institute of Technology's school of film and television became part of the VCA in 1992. Further expansion of the college took place in that year when the fine arts programs from the former faculty of art and design at Victoria College were incorporated into the school of art.

The VCA has an excellent set of programs. The college is in my electorate and I have visited it on numerous occasions. Professor Andrea Hull has run an extraordinary college. It is a pleasure to go there. I have attended many of the performances run by the students themselves. They are predominantly young students but they are not all young students. The high quality of the performances and every aspect of the work done in every discipline at the VCA is a hallmark in this performing arts sector. I am not only interested in the performances in music, dance and drama but also in areas like costume design. I spent one very pleasant afternoon looking at the way they were developing the costumes for a performance, the detail with which they were going into it and their understanding of what they were doing in preparing for a performance which was going to be conducted by other students within the college. It is this integrated approach between all of the disciplines at the college which sets it apart from many other places. It is extremely special and I hope this element is not lost in this amalgamation.

The Victorian College of the Arts has many very famous alumni. They include Patricia Piccinini who graduated from the school of art in 1991. She was awarded the 2005 Progressive Business Award. Ricky Swallow graduated from the school of art in 1997 and represented Australia at the 2005 Venice Biennale.

Padraic Savage graduated from the school of music in 1992 and is the co-principal of the Royal Philharmonic Orchestra in London. Michael Barker is the drummer in the Australian Recording Industry Association award-winning band, the John Butler Trio, and is also a college alumni. Phillip Adams graduated from the school of dance in 1988. He is the artistic director of dance company, BalletLab, which performed at the prestigious PS122 in New York in January 2006. Adrienne Chisholm graduated from the school of production in 1996 and designed the set for the recent Melbourne Theatre Company production of *The World's Wife*. A number of other people have done some excellent work, including Adam Elliot who won an Oscar for his wonderful film — what was it?

An honourable member — *Harvie Krumpet*.

Hon. ANDREA COOTE — Thank you very much. We can see that this is under our very noses. This excellent work is being done in very close proximity to the Parliament. I would like to see this encouraged into the future. I would like to put on the record my praise for all those who have been concerned with the running of the VCA in the past. It has been a very special organisation.

However a decision was made to integrate the college. As I said before, the VCA began its relationship with Melbourne University in 1991 when it became an affiliate of the university. This meant the Melbourne University academic board had to approve the VCA award courses. The VCA has a relationship with Melbourne University which goes back quite some time. I think this move was mutually advantageous and both organisations were keen to make it happen. I will read from the heads of agreement in a moment but the catalyst for this was a funding decision, or lack thereof, towards the end of 2005.

I was lobbied by Professor Hull to speak with the federal Minister for Education, Science and Training at the time, Brendan Nelson. Sadly this was caught up in a federal election and it was a very difficult time for everybody concerned. It is a pity that when I was lobbying on behalf of the college it was a time of changeover in government. I think everybody can understand the sensitivities involved in that.

A heads of agreement was prepared between the Victorian College of the Arts and Melbourne University. It is dated 5 October 2005. It states:

The university and the VCA share the conviction that great universities are characterised by richness and excellence in the visual and performing arts. Both institutions see mutual benefits in the greater possibilities for co-operation inherent in

a faculty rather than an affiliate relationship. Integration offers the opportunity for cognate activities in the two institutions to optimise opportunities for staff and students through a renewed or enhanced range of undergraduate and postgraduate courses, drawing where possible on the strengths of both institutions.

As I said before, that is a very noble sentiment. It encapsulates what each of these organisations hopes will continue to occur. However, as I said at the outset, I am very concerned that the high quality of the performing arts and the hands-on approach of the Victorian College of the Arts not be adulterated in any way. The VCA outlines in the heads of agreement the purpose and vision it wants to enunciate. It states:

Both parties agree that: the status, uniqueness and reputation of the VCA and its statutory objects, strategic purpose, vision and educational programs are to be recognised within these heads of agreement, university legislation and the amended Melbourne University Act. This includes but is not limited to reflecting clauses 1 and 7 of these heads of agreement in an appropriate university statute.

It says at the beginning of that article that it wants to keep the status and uniqueness. It is that uniqueness that I wish to stress today. It is that uniqueness of the VCA which I think will need to be protected.

I have some background information dated Tuesday, 15 November 2005, on the integration of the VCA with the University of Melbourne. On page 4 it lists a number of dot points on the benefits of integration. I will read through them because it would be interesting to get them on the record. Some of the benefits will be:

Providing the VCA with a secure, certain and sustainable framework that will enable it to continue in its role as Australia's pre-eminent provider of visual and performing arts training, education and research;

Creating an expanded VCA, as a new faculty of the University of Melbourne, on its current site, committed to innovation and leadership in contemporary, professional, practise-based visual and performing arts training, education and research and to expanding the boundaries of arts practice within both discipline-specific and multidisciplinary curriculum models;

...

Bringing into the university the international reputation and distinctive pedagogy of the VCA;

...

Fulfilling the potential of the VCA Southbank site to become an internationally recognised precinct for training, education and research in the visual and performing arts;

Enhancing the reputations of both the university and the VCA; and

Providing the opportunity for administrative synergies across the two institutions to be realised.

Throughout those benefits you can see the emphasis on sustaining the very high calibre of work and the innovation and leadership within the VCA. This is the point I wish to make very strongly on this bill. This is the point I hope will well and truly be taken into account in this integration.

It is important to put on the record what land we are talking about here. The college is actually a very valuable piece of Melbourne real estate. It is on St Kilda Road and is apparently worth about \$180 million. It starts at St Kilda Road and goes all the way down to the police stables. Whether those police stables should be integrated into the Victorian College of the Arts has been a contentious issue. Obviously the college would like to have that space, but the police horses have been stabled there for decades, and the police feel it is important to have the horses close to pinpointed parts of the city where they are needed for various rallies et cetera. That is the area we are talking about.

Many of the buildings at the VCA have been adapted very well, and I commend all those who have been involved with the college for turning what sometimes appear to be virtually abandoned factory sites into innovative workshops and some fabulous spaces that offer a creative realm for these people to come up with some marvellous innovations. I would have to say that on one of the occasions I visited the VCA I visited an area where people were dealing with computer technology and a whole bank of computers. People said to me, 'We miss Jeff Kennett because he understood the VCA. He really did have the VCA in his heart'. He was a great advocate for the VCA and ploughed an enormous amount of money into technology at the college and is still well recognised for having done that.

Other statistics to note about the VCA in today's debate include its operational information. In 2005 the student profile of the VCA was around 1000 students — roughly 750 undergraduate and 250 postgraduate students. The total operating budget for the college in 2005 was \$23 623 339, and the staff profile of the VCA is that there are 98 academic staff and 81 administrative staff, plus a significant number of sessional teaching staff who are engaged over the course of the year. Whenever I have been to the VCA the staff are so enthusiastic and such great professionals. I suggest that they put in well and truly more than what is expected in a working week. They are great role models for the people they are dealing with, and excellence is at the forefront of all of the performances and all of the work that they do through the college, and they are to be commended for it.

As I said, the Liberal Party supports this small bill, but it is not the bill that is of greatest interest. The greatest interest is what has happened with this bill in its delivery and presentation to the lower house. I would like to read from an article by Paul Austin, which appeared in the *Age* of 23 August. It states:

Education Minister Lynne Kosky has been accused of plagiarising a Melbourne University web site for an important speech to Parliament.

Deputy Opposition Leader Louise Asher last night exposed 'amazing' similarities between a June speech by Ms Kosky on the Victorian College of the Arts and a web site based on a document from last November.

'The Minister for Education, of all ministers, has provided a plagiarised piece of work to this Parliament when she herself has responsibility for ensuring plagiarism does not occur in Victorian schools,' Ms Asher said.

These are the two items that should be looked at. I take up the point made by the member for Brighton in the other place, Ms Asher, about the similarities. This is not good enough for a minister for education. She has an entire bureaucracy behind her. Surely someone could have had a bit more imagination than to give the minister exactly the same information. It is just appalling. This is the comparison. The Minister for Education and Training in another place said in Parliament:

... integration will guarantee that the college's role as Australia's pre-eminent provider of visual and performing arts training and education can continue.

The Melbourne University web site says:

Integration will enable the college to continue and enhance its role as Australia's pre-eminent provider of visual and performing arts training and education

In another paragraph of the second-reading speech the minister said:

Musicians Harry Angus, Carlo Barbaro, Kieran Conreau, Ross Irwin and Ryan Munro feature in the hugely successful Melbourne band The Cat Empire ...

And this is what the Melbourne University web site says:

In 2004 Adam Elliot won the Oscar for Best Short Animation for his film *Harvie Krumpet* ... Musicians Ross Irwin, Ryan Munro, Carlo Barbaro, Harry Angus and Kieran Conreau feature in the hugely successful Melbourne band The Cat Empire.

It is an indictment of education in this state that the education minister has to cut and paste from the university web site for her speech in Parliament. If we cannot get right the introduction of this bill to the other house, I am very concerned about how the minister is

going to administer this issue of the VCA and Melbourne University. This minister has no standards. We have seen absolutely no standards in her speech at the very outset of this bill's introduction to the legislative process, which does not bode well for what may happen in future. At the outset of my contribution I said how concerned I am about the high calibre and professionalism of the VCA being upheld. The minister has set a very poor example and is a bad role model for what the college is going to become. We are talking about the academic status in this state. This is absolutely not good enough.

Having said that, I know that the university and the VCA want certainty, unity and to be able to focus on the future. They want to know that they can provide a service that is going to be recognised in Victoria, in Australia and overseas, and which builds on the successes they have had in the past. I wish both institutions the very best of luck in their venture, and I will be watching with great interest. I will also look forward to attending many more performances at the VCA and put on record my praise for this organisation.

Hon. P. R. HALL (Gippsland) — I am pleased to report to the house that The Nationals support the Melbourne University (Victorian College of the Arts) Bill that is now before honourable members. It is no surprise, because looking back through the records I see that this is the fifth occasion on which legislation relating to the Victorian College of the Arts has been required to be passed by the Parliament — at least the fifth occasion in my time in this chamber — and each time I have stood up and supported such legislation on behalf of The Nationals. I will mention some of the history of administrative change to the VCA in just a minute.

It is interesting to look at the terminology that is being employed with this piece of legislation. What we are seeing today is the repeal of the Victorian College of the Arts Act, and in so doing the VCA as it is will be no more. I note that the second-reading speech uses the term 'dissolves'. It says:

This bill dissolves the Victorian College of the Arts and its council ...

If we look at the bill we can see that the terminology changed from 'dissolves', in the purposes clause of the bill, to 'integration'. The purposes clause says the bill provides for the 'integration of the Victorian College of the Arts with the University of Melbourne'. Clause 4 of the bill says that we are going to abolish the college. Whether we are dissolving, integrating or abolishing, I think the outcome is pretty much the same. At the end of the day what we will see is that the VCA as a

stand-alone institution in Victoria will be no more, and that is a bit sad.

It is a fact that The Nationals have been strong supporters of the VCA. One reason is that many country students with aptitude in the area of the arts seek to attend the college. I know many students from my electorate and from other parts of country Victoria have availed themselves of the opportunity to take advantage of the fine programs offered by the college over the years and have gone on to do very well for themselves. The people involved in their instruction are to be commended.

My source of the history of the VCA is probably the same as all others, including probably the Minister for Education and Training in another place, in terms of looking at the Melbourne University web site and at some of the historical documents, so I will be careful not to plagiarise any of that, but I will summarise it in my own words. Like others, I noted that the history page of the Melbourne University web site tells us that the Victorian College of the Arts started as the National Gallery of Victoria's Art School in 1867, which later became the first school at the VCA, the school of art.

An important part in its history was in 1972 when the Victorian College of the Arts was established with its own act of Parliament. The school of art became the first school of the Victorian College of the Arts in 1973. Thereafter it grew — in 1974 the school of music became part of the Victorian College of the Arts; in 1975 a school of drama was added; and in 1979, a school of dance. In 1992 the school of film and television, formerly part of Swinburne Institute of Technology, also became part of the Victorian College of the Arts.

That evolutionary change continued right through to 2001 when a new faculty of art and design, formerly part of Victoria University, became part of the Victorian College of the Arts. Looking at those various additions over the years, you can see that the range of programs offered by the Victorian College of the Arts was not just visual arts but also music, drama, dance, film and television, and art and design. Members who have visited the Victorian College of the Arts, or at least read about its performances, will appreciate that they offer a broad range of programs for those with an inclination towards the arts.

I said before that it had undertaken a degree of administrative change as well. It started in 1972 with the passage of the Victorian College of the Arts Act, but in 1991 there was a significant change for the college, too. That came about because of the federal

government's desire — I think the minister at that time was John Dawkins — to create what was termed at that time a unified national system of higher education across the country. Some of our institutes of technology, regional colleges and colleges like the Victorian College of the Arts needed to seek a stronger partner in higher education. So it was that in 1991 the Victorian College of the Arts and Melbourne University came together and had an affiliation arrangement.

I searched *Hansard* for the times I have spoken on such legislative changes to the Victorian College of the Arts. In 1991 there was the Victorian College of the Arts (Amendment) Bill. Since that time there have been at least three or four other changes. In October 1995 there was the University Acts (Further Amendment) Bill, which again made some administrative changes to the structure of the Victorian College of the Arts council and its governing body.

In April 2003 there was the University Acts (Amendment) Bill, which also brought about change for the college. On 20 July 2005 the Higher Education Acts (Amendment) Bill passed through this Parliament, which brought about further change to the Victorian College of the Arts. Today, in August 2006, we have before us the Melbourne University (Victorian College of the Arts) Bill. In a relatively short space of time the act constituting the Victorian College of the Arts has been changed consistently. Sometimes those changes have been brought about by financial pressures that the college was under or by administrative changes required of the Victorian College of the Arts by either the federal or state governments.

One thing I wish to say is I hope this is the last change for a while for the Victorian College of the Arts. I hope it can settle down, put some of the funding and some of the administrative turmoil behind it and get on with delivering its programs — the job that it does best. Now it will become a faculty of Melbourne University, titled the faculty of the Victorian College of the Arts. The college will not lose the title as such — 'college of the arts' will remain in the name of the faculty.

I, for one, certainly wish them well. They have provided excellence in arts education for well over 100 years, the college having its origins back in 1867 — getting close to 140 years. It has a proud history. There has been a distinguished list of graduates from the Victorian College of the Arts over that time. I am not going to individualise those people, but some have been in the second-reading speech and have been listed by the Deputy Leader of the Opposition. Nevertheless, suffice it for me to say that we as

Victorians have all benefited from the excellence of education provided by the Victorian College of the Arts and its graduates. I certainly wish them well in their new endeavours as a faculty of the University of Melbourne.

Hon. J. G. HILTON (Western Port) — It gives me great pleasure today to speak on the integration of the Victorian College of the Arts (VCA) with the University of Melbourne. We are obviously talking about two fantastic institutions. I am sure their integration will produce an even better establishment to provide the broad range of education in the performing arts with which the VCA is associated.

Some of the background to the VCA has already been given in terms of its historical development and the establishment of the various schools, so I will not go into that. The University of Melbourne itself is well known in the community as one of the foremost education establishments in Australia. As I said during the time allowed for making statements on reports, when I made a statement on the Melbourne University report, the university is now ranked as the no. 1 university in Australia and the 19th in the world, joining Princeton, Oxford, Cambridge and Harvard in the world's top 20.

The relationship between the university and the VCA has also been mentioned. I would like to concentrate on why this amalgamation is taking place. It is being purely financially driven. In July 1991 the VCA became an affiliated college of the University of Melbourne. Since then the university has received a discrete amount of funding from the commonwealth specifically for its VCA students, which it channelled directly to the VCA.

In 2005 the Higher Education Support Act introduced a mechanism of commonwealth funding according to subsidies per student, set by discipline. Victorian College of the Arts students obviously fall within the visual and performing arts cluster for which the commonwealth contribution per student was set at \$9091. Taking into account the amount of the relevant student HECS contribution of \$3854, this led to a funding shortfall of more than \$6000 per student in 2005.

Despite representations to the commonwealth by the university, the VCA, the Victorian government and, I believe, the Victorian opposition and the minor parties, the commonwealth maintained the new funding basis for its VCA students. In late 2004 the federal education minister instructed the University of Melbourne to make up the shortfall of funding to the VCA from its

own funds for an indefinite number of years. Until then the university had no financial responsibility for the VCA but had simply acted as a postbox for the VCA's grant.

In December 2004, as a consequence of this decision by the commonwealth government, the university signed its 2005 funding agreement with this condition under protest. The result was that approximately \$4.6 million of university funds were diverted from teaching and research to the VCA in 2005, with at least equivalent amounts to be diverted in future years.

Both the university and the VCA have acknowledged that such an arrangement is not acceptable to either party and does not provide the VCA with a secure and sustainable future. Accordingly the VCA and the university agreed in 2005 to explore the options for a closer relationship, which recognised that despite many years of discussions by the VCA and the state and federal governments there had been little or no prospect of an alternative ongoing and satisfactory funding arrangement.

That is the basis for the decision to merge the two institutions. It shows up in stark relief the attitude of the commonwealth government to education. Education is becoming a business under the commonwealth government, which, in my view, sees every decision through the prism of economic rationalism. Mr Baxter mentioned yesterday that La Trobe University was closing some of its country campuses. La Trobe University is doing that because it is being expected to operate as a business. Universities, and education generally, provide benefits for our society. They should not be considered from the same perspective as businesses that are expected to make a profit.

I have mentioned previously in discussing reports that Australian universities now have a very high percentage of overseas students, and they are becoming increasingly dependent on overseas students for their funding. An article in yesterday's *Australian Financial Review* indicates that Australia now has the highest percentage of overseas students in universities of all the countries in the Organisation for Economic Cooperation and Development. To my mind that, in the long term, is not tenable. Australia may now be flavour of the month, but what would happen if university students decided to go somewhere else? They can go to America, Europe or anywhere. We would then be faced with a severe shortfall in our funding for universities, and that could only be to the detriment of Australian students.

That approach is certainly short-sighted and totally at variance with our desire to be an educated and innovative society, and that is the reason we are debating this bill. A benefit of the bill will obviously be the formation of a very superior organisation by combining the Victorian College of the Arts and the University of Melbourne, but I believe it is important that we understand why that is happening — that is, purely because the federal government has no understanding of the benefits which education can bring to society.

I cannot finish my contribution without mentioning what was discussed in relation to this bill by the Deputy Leader of the Opposition, the Honourable Andrea Coote. Whether something is plagiarism or whether it is research is a moot point. Some of the contribution to debate made by Mrs Coote came directly from the VCA web site, which I also used as part of my contribution. She described the qualities or the backgrounds of some of the VCA alumni. I could have read the same contribution word for word when she was making her contribution, because it came directly from the same document I referred to.

Mr Hall, I believe, also referred to web site pages in his contribution. It is something we all do. For the opposition to make a big thing of plagiarism shows its paucity of policy. They do not have a policy on anything, so all they can do is try to score cheap political points by drawing comparisons between web sites and contributions to debate made in Parliament. I think that is absolutely pathetic.

I do not want to pick out one person particularly, but I will just mention a contribution which was made by the opposition spokesman on education in the other place. The VCA web site states:

Melbourne's diverse student enrolment of 42 000 includes 8000 international students. There are around 6000 academic and general staff. Each year around 1000 students who have suffered some disadvantage enter through a special access program.

The education spokesman in the other place said:

The university is based in Parkville and has an enrolment of 42 000 students, of which 8000 are international students —

Hon. Richard Dalla-Riva — On a point of order, Deputy President, I believe the member is reading verbatim from *Daily Hansard* from the other place.

The DEPUTY PRESIDENT — Order! The honourable member cannot quote from *Hansard* but he can paraphrase comments made in the other place, so there is no point of order.

Hon. J. G. HILTON — What I was trying to do was illustrate that plagiarism can be practised by all sides of politics. I think I have made the general point that the opposition spokesman for education in the other place made extensive use of the VCA web site in his contribution, which was almost taken word for word.

Hon. E. G. Stoney — On a point of order, Deputy President, the Liberal spokesperson in the other place is a female, so it would actually be 'her contribution'.

The DEPUTY PRESIDENT — Order! There is no point of order. Mr Hilton, to complete his contribution.

Hon. J. G. HILTON — I think I have made my point in relation to plagiarism — that is, research is something which is practised by all sides.

Finally, I crave the indulgence of the house for a few moments. My wife and I are actually going to the University of Melbourne this evening to see our daughter graduate with her Bachelor of Arts degree. There will be two very proud parents there. I would like to commend both the University of Melbourne and the Victorian College of the Arts on their future and also wish our daughter every success in her future.

Hon. ANDREW BRIDESON (Waverley) — I rise to speak this afternoon on the Melbourne University (Victorian College of the Arts) Bill and to say, in commencing, that the Liberal Party wholly supports this piece of legislation.

I must say that this is an historic bill for a couple of reasons. Firstly, it sees the abolition of the Victorian College of the Arts and the incorporation of that wonderful institution into Melbourne University. Secondly, as Liberal spokesman on education in the upper house, I suspect that this may well be my last speech on education in this chamber. I, too, am taking some indulgence of the house in saying how much I have enjoyed being part of the support of education at all levels in this state. Coming from a teaching background, I feel that I have had a great understanding of the issues that have been debated in this house, and I must say that on all occasions they have been very good debates. Perhaps we may have debated philosophy more than politics, and it has been a very enjoyable experience in doing that.

I would like to make a point about the Honourable Geoff Hilton's contribution. Whilst I do agree that one of the main reasons for the integration of the VCA into Melbourne University was based on economic grounds, I would like to point out to Mr Hilton and his colleagues on the other side of the house that former

Prime Minister Paul Keating was perhaps one of the great economic rationalists that this country has produced. That was a point that Mr Hilton overlooked. I remind Mr Hilton that all other Australian states have recompensed their performing faculties and have given a substantial amount of money to help those institutions. It is a great shame and a blight on the Bracks government that it did not see fit to come to the party and give substantial financial support to the VCA.

I return to the bill and note that the new amalgamation will take place on 1 January 2007. Clause 4 of the bill abolishes the college. The members of the council, the president and the deputy president of the college will go out of office; all of the council committees are abolished and their members will go out of office; and the board of studies at the college will be abolished and its members will go out of office.

Clause 5 states in part:

- (a) the University is the successor in law of the College; and —

all assets, rights, liabilities and obligations of the college will be transferred to the university. Also, any scholarship, prize or bursary of the college will be administered by the university in accordance with its original terms and conditions. Instruments such as contracts, legal proceedings by, against or in relation to the college will be treated as if they were by, against or in relation to the university. Furthermore any permit, licence or authority issued to the college will continue in favour of the university; and any reference to the college in any act, subordinate instrument, judgment or other document will be deemed to be a reference to the university unless the contrary intention appears.

Clause 5 further states:

- (i) all records and documents of the College or its Council become the property of the University.

Like previous speakers before me, I too have used the VCA web site as a source of material for my contribution. When members of Parliament do research these days, we all do a Google search and come up with appropriate references. On most occasions we use similar references, although our interpretations of what is said can vary according to our political persuasions. On this occasion I report to members that I think we all agree with the majority of what we found on the VCA web site. I would like to note that there was a joint media release by the University of Melbourne and the Victorian College of the Arts dated Tuesday, 15 November 2005. The media release is headed 'Two of Australia's finest educational institutions to join forces: the VCA to Melbourne University from 2007'. I

think it is important that it is on the record that this has been done by the consensus of both organisations. I would like to quote from this press release, because it sums up the issue in a much better way than I could ever compose. It reads:

The VCA is an internationally significant arts education body and the university is proud to have it as a faculty. The university now has the exciting prospect of developing and growing its visual and performing arts areas and to pursue synergistic teaching and research activities between VCA disciplines and university areas such as music, creative arts, cinema studies and arts education.

Professor Hull agrees that in addition to securing the ongoing viability of the VCA's distinctive and proven pedagogy, integration will open opportunities for teaching and research collaboration between the VCA and the university.

'Most importantly, the university and the VCA share a commitment and a joint vision to protect the VCA's staff, students and our totally unique artistic educational offering. While we initially came to this process as a consequence of federal government policy, both institutions are totally committed to developing a framework that enhances and protects the strengths of both institutions', she said.

As I outlined, this has been a consensual agreement and I am sure that is the major reason why it has bipartisan support.

I attended a thorough briefing in relation to this bill. One of the things I was concerned about was the benefits of existing staff and students of the VCA. I wanted to ensure that their rights of employment, benefits, superannuation entitlements and other work-related issues would be preserved after the transfer from the VCA to the University of Melbourne. I was assured that this would occur. That is covered in the bill. I am well satisfied that all such benefits that have been accrued over the years are preserved.

I have read in detail — again from the web site — the heads of agreement in respect of the integration of the VCA and the University of Melbourne. Although it is not dated on the web site, I am sure it is an accurate document. It goes into great detail about absolutely every aspect that needs to be covered. I am quite convinced that both parties agree fulsomely and wholesomely with it; otherwise it would not be there. The document ensures that the VCA will be thoroughly integrated and that its name will be preserved by its absorption into the University of Melbourne as a faculty. There are many benefits of this integration. All of these points are well enunciated on the VCA web site.

I will briefly go through some of them. Given that the reasons for the integration are based on economic grounds, the first benefit outlined here is that the VCA

will be provided with a secure, certain and sustainable framework which will enable it to continue its role as Australia's pre-eminent provider of visual and performing arts training. I think it absolutely essential for that to occur. We have heard from previous speakers about the calibre of students who have graduated from the VCA, and I am sure this integration will ensure that Victoria remains one of the pre-eminent states in producing graduates with international skills that will keep Australians and Australia at the forefront of that industry.

To my mind one of the benefits of this expansion is that research in the area of the visual arts will be enhanced by the amalgamation. Melbourne University, as we have read in recent times, is one of the world's foremost institutions, and anybody who conducts research at Melbourne University will be found amongst the world's best. Their research findings will be disseminated around the world and will enhance the reputation of visual and performing arts research in this state. I do not think there is any point in my going through the rest of the benefits. They are easily understood by all members of Parliament, and they have certainly been very well discussed by the staff at the VCA. Again referring to the VCA web site, it contains a very comprehensive integration discussion briefing summary. All the questions that we as members of Parliament might raise in relation to this amalgamation are listed on the site and all the answers are provided. I have gone through it in great detail, and I am well satisfied with all the answers that were given.

I too would like to commend Mr Hilton and his daughter on her successful graduation from Melbourne University tonight. I am sure he will have a memorable evening. It is always a great thing when one of our own graduates from university, so I will take another indulgence and offer my congratulations to the Hilton family. I am sure there will be lots of occasions when other members of Parliament will be able to do likewise in this place for their sons and daughters.

As I said, this is an historic occasion. This will probably be my last educational speech, and before sitting down I would like to congratulate both Melbourne University and the Victorian College of the Arts and wish their amalgamation every success.

Motion agreed to.

Read second time.

Third reading

Mr GAVIN JENNINGS (Minister for Aged Care) — By leave, I move:

That the bill be now read a third time.

In so doing I thank all members for their very gracious and considerate contributions to debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The DEPUTY PRESIDENT — Order! The President has had the opportunity of examining this bill and is of the opinion that it is a private bill.

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

That this bill be dealt with as a public bill.

Motion agreed to.

Debate resumed from 22 August; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise on behalf of the state opposition to express our strong support for the legislation before the house and in doing so indicate our support for the bill. The quicker we get through this legislation, the quicker the Coptic Orthodox Church can get on with what it wants to do in relation to a property trust over the various land-holdings it now possesses.

It is interesting to review the speech of my parliamentary colleague in the other place, the shadow minister for multicultural affairs and citizenship, Nick Kotsiras, which was very detailed in terms of the history and background of the Coptic Orthodox Church and the way it was established and developed in Australia. In precis form, it grew from a small group of

about 20 Coptic families who arrived in Sydney back in the 1970s and established an association. The need for a church developed, and since then numerous churches, a nursing home and schools in a variety of places throughout Australia have been established, have grown substantially and have become an integral part of the multicultural web in Australia. In particular it is my understanding that in Victoria there is a population of between 10 000 and 15 000 members of the church, mostly of Egyptian background and mainly from the urban centres of Cairo and Alexandria. More detail was put forward by the honourable member in the other place, but that just sets the framework for how this has grown and the reason we have this legislation before the chamber.

As the Deputy President indicated, this is a private members bill. It was good to see that the government has provided the necessary support. The minister has indicated that it will be at no cost to the church, which we thoroughly endorse.

Let us look at the growth of the church. His Grace Bishop Suriel was enthroned in Melbourne in December 1999. He is the bishop for Victoria, Tasmania, Canberra, Western Australia, South Australia, New Zealand and the South Pacific Islands. A number of priests have a keen interest, including Father Abanob and Father Daniel, who are very keenly keeping a watchful eye over the proceedings to ensure that this legislation goes through very quickly today. I thank those priests and His Grace in particular for their ongoing commitment to establishing this private members bill and getting it through.

I indicated in my discussions with the relevant priests that once the process starts, it will go through the house and then to the Governor for royal assent, as indicated in clause 2 of the bill. However, it does not end there as it does not automatically come into operation. Clause 4 of the bill sets an appointed day. It states:

- (1) The Bishop must cause a notice to be published in the Government Gazette appointing a day as the day on which the Trust is established, and, in accordance with this Act, property is transferred to the Trust and the incorporation of the Church associations is cancelled.

So there will be a three-step process, which is currently under way, before this bill will be finalised. Obviously it has to go through this chamber and be agreed to. Once it has been through both houses of Parliament, it will then be taken to the Governor in Council, who will give it royal assent under clause 2. Once it is given royal assent it will then be up to His Grace Bishop Suriel to determine what would be suitable as 'the appointed day'. That gives the Coptic Orthodox Church

some control so that it can establish everything and get it into place.

I have seen the list of the property details, and I know they have been buying quite well in Victoria, but there are a number of properties that will need to be dealt with. What the legislation does is provide a time lapse between the royal assent and when the Coptic Orthodox Church may wish to implement the application of this bill.

Schedule 1 of the bill sets out seven associations which will be cancelled on the appointed day. I will not read them out. Schedule 2 sets out the numerous volumes and folios applicable to the property trust bill. In summary I will read out those locations and what they are associated with.

In Park Road, Donvale, is the diocesan headquarters. There are a number of properties in Bulleen, including a parish church; a vacant lot in Park Orchards; a parish church and other properties in Oakleigh; titles in Heathcote held by the trustees of the St Anthony Coptic Orthodox Church; a parish church at St Albans; a parish church in Fountain Gate; and a number of properties in Preston, including a parish church. Property is also held in Kensington by the trustees of the St Mary Coptic Orthodox Church, and there is also a parish church in Kensington. The college premises in Frankston is another property.

I must put on the record that Frankston is a fantastic campus. I know Father Daniel, who is a director there, is working hard to ensure the delivery of services and that the children are receiving a thorough and solid Christian education there. Interestingly, Father Abanob established that church, so I guess he has an interest in ensuring that Father Daniel does the right thing! It just shows that it has grown in Frankston.

The college was originally established in Coolaroo, and it is still operating there. I understand it has about 600 students. In Hallam there are the hostel premises with an aged care facility. The last one is another property in Coolaroo associated with the college premises I referred to earlier.

I see this as a positive move because it will end up strengthening the Coptic Orthodox Church in the sense that it will no longer have to worry about justifying all the associations when it makes applications for its community, whether it be for community aged care packages, whether it be for applications for funding, or whether it be for a variety of others reasons. It will have credibility under the legislation of the Parliament of Victoria.

It augurs well for the church, and it augurs well for His Grace Bishop Suriel and for the priests who have an interest in seeing this legislation pass. I wish them well. The state opposition looks forward to a positive and prosperous outcome in the future. We look forward to their continued involvement in the community as strong, solid Christian citizens.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT

(Hon. Andrew Brideson) — Order! I welcome to the public gallery Father Abanob and Father Daniel as representatives of His Grace Bishop Suriel of the Coptic Orthodox Church.

Debate resumed.

Hon. W. R. BAXTER (North Eastern) — The Nationals are pleased to support this legislation, which goes a long way towards marking the coming of age of the Coptic Orthodox Church in Victoria, if I can put it that way. Over more than a century now the Parliament has a history of passing legislation establishing trusts for the property of various denominations.

In my time here as circumstances have changed there have been amending bills for quite a few of them. One instance that comes to mind is the amalgamation of the Methodist Church, the Congregational Church and part of the Presbyterian Church in 1977 into the Uniting Church, which necessitated quite a bit of redrafting and juggling of the properties held by the various churches entering into that union. The Parliament legislated to accommodate that, and similarly from time to time there have been amending bills for various religious property trusts to take account of changing times.

There is no doubt that the trust structure is a very appropriate legal mechanism for churches to hold properties. Without them you run into the sorts of difficulties involved in having property held on behalf of the church in the names of individuals or associations even if they are incorporated, which I am sure the Coptic Orthodox Church is experiencing right at this moment. It does have some ongoing problems with issues of management, in particular succession.

In my electorate at the moment there is an instance of another of the orthodox churches, not this particular one. It involves a church property which is owned not by a church trust but by a group of individuals on behalf of the trust, and they have just found themselves in receipt of a land tax assessment. Obviously that

matter is going to be rectified because it is church property and therefore exempt under the Duties Act.

It just indicates that if it had been in a trust the error in the issuing of an assessment notice would not have been made in the first instance. It seems to me that over time churches acquire property. They need to hold it in trust for succeeding generations, but they also need flexibility as circumstances change and populations move out to be able to divest themselves of that property and the like. This trust mechanism is a tried-and-true method of doing so. It has served churches in this state very well for approaching 150 years or more, and I am sure the Coptic Orthodox Church will find that this is a sound mechanism for the church to use. I certainly wish the church all the best in its endeavours and progress in the future.

Ms MIKAKOS (Jika Jika) — On behalf of the government it gives me great pleasure to speak on the bill which establishes the Coptic Orthodox Church (Victoria) Property Trust, a statutory corporate trustee with perpetual succession, which will also have the power to acquire, hold, deal with and dispose of real and personal property for the Coptic Orthodox Church within Melbourne and its affiliated regions.

As has been mentioned in the other place, the Coptic Church is one of the oldest churches in the world. The term 'Coptic' has come from an Arabic word which came from a Greek word meaning Egyptian. The Coptic Church was established in approximately 42 AD by the Apostle Mark and has been a distinct church body since the Council of Chalcedon in 451 AD. The Egyptian Christians gave rise to the very strong monastic movement which is a very strong element in the Orthodox Christian faith. Many Egyptian Christians in the third century A.D. would go into the desert to pray and work, which gave rise to the monastic and Anchorite traditions.

In doing my reading in preparation for this debate I discovered that theologians from Egypt also played a key role in the early formation of Christian thought — for example, St Athanasius of Alexandria formulated what became known as the Nicean Creed, which is a very important part of the Christian faith and is recited throughout the Christian world today. Today I spoke to some of my colleagues, the President, the Honourable Monica Gould, and Ms Argondizzo, who both had an opportunity to travel to Egypt earlier this year and were able to visit some important churches and monasteries that the Coptic Church has in Egypt.

The Coptic Church has as its head the Coptic Orthodox Pope of Alexandria and Patriarch of the Holy See of

St Mark, His Holiness Pope Shenouda III. The Leader of the Government, Mr Lenders, who is an expert in these matters, was regaling me earlier with his understanding of how His Holiness is elected. He tells me that His Holiness is elected in a more democratic manner than His Holiness the Pope of the Roman Catholic Church. I am sure if he was able to speak on this bill he would give us all the intricacies of the method of election, but he was able to make that distinction to me in our discussions earlier.

Hon. W. R. Baxter interjected.

Ms MIKAKOS — The Leader of the Government may or may not be a keen student of religious matters, but he is a very keen student of different methods of election. It is important to recognise that the Coptic orthodoxy was at one stage the dominant faith in Egypt and has survived the various challenges thrown at it over the centuries to become a church that is very strong and sure of its identity. It is still the largest Christian community in the Middle East and Africa, with almost 50 million members around the world. The Coptic Orthodox Church, while a separate entity to the other orthodox churches such as the Greek Orthodox Church, of which I am a member, has engaged in dialogue with its sister orthodox churches and with other Christian churches. The Coptic Church is a member of the World Council of Churches and the Australian Council of Churches.

In Australia the Coptic Orthodox Church was formally established in Victoria in the 1970s with a very strong migrant settlement of Egyptian Christians. It is estimated that the current total congregation of the church within Victoria now numbers between 10 000 and 15 000, as has already been outlined to the house. The latest census figures — we have just undertaken one but those figures have not yet been published — relating to 2001 indicate that there were 33 370 Egyptian-born persons in Australia with the largest professing faith for Egyptian-born Australians being the Coptic faith.

We have a very strong Coptic Church in Victoria, as has been indicated, with many parishes around the state, including the Coptic Orthodox Church of St Mark in Gilbert Rd, Preston, in my electorate. I take the opportunity to congratulate the Melbourne diocese of the Coptic Orthodox Church for its growth and progress in Victoria. In particular I recognise the role played by His Grace Bishop Suriel in cementing the position of the Coptic Orthodox Church as a significant presence in Victoria's community of faiths.

Victoria, as we know, is truly a community of faiths and beliefs. I believe that good communication and a common understanding of the challenges we face will see us through the current troubles. Recently I was pleased to attend with many of my colleagues in the government an interfaith lunch which gave us an opportunity to hear from young people from many different faiths. It was truly inspiring to hear of their views about the way young people can increase greater dialogue and understanding of each other's faiths and through that dialogue to produce great understanding and tolerance within our community.

While the church is based on faith it must deal with the realities of the physical, which means running sometimes legally complex businesses of property and investment. The reasons for this bill are that currently the property of the Coptic Church in Victoria is held by individual associations that represent the various parishes and organisations. This bill in many ways recognises the growth of the church by assisting His Grace Bishop Suriel in the administration of the diocese in Victoria. This trust arrangement is similar to the statutory arrangements in place for other churches in Victoria through the various bills that come before Parliament.

I understand that the details of the bill have been developed in full consultation with and the support of individual parishes. I wish the Coptic Orthodox Church in Victoria and His Grace every success for the future of the Coptic Church. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Mr GAVIN JENNINGS (Minister for Aged Care) — By leave, I move:

That the bill be now read a third time.

In so doing I thank members for their contributions to the debate and those members who would have liked to have made a contribution.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

OWNERS CORPORATIONS BILL*Introduction and first reading***Received from Assembly.****Read first time on motion of Mr GAVIN JENNINGS (Minister for Aged Care).****ADJOURNMENT****Mr LENDERS** (Minister for Finance) — I move:

That the house do now adjourn.

Auburn Road, Hawthorn: pedestrian crossing

Hon. RICHARD DALLA-RIVA (East Yarra) — My adjournment matter directed to the Minister for Transport in the other place relates to an issue that has been brought to my attention by residents of the city of Boroondara. A number of residents have approached the council regarding a dangerous intersection. They have raised the possibility of having a pedestrian crossing installed on Auburn Road, Hawthorn, where Urquhart and Bowler streets intersect between Riversdale and Burwood roads. I have since been to that location to determine exactly what they are talking about. This section of road at certain times carries a large amount of traffic. The council indicated to the residents that the matter should be directed to VicRoads. My understanding is that the road falls within the purview of VicRoads and therefore the responsible minister.

A local resident has emailed me about the matter. The email states:

As a local resident who braves this hazardous intersection daily in order to take our children to school, I cannot stress enough the importance of creating a safe means of traversing this busy arterial road. Many local residents we have spoken to share our concern and we are hoping you would be able to lend your support to our proposal.

I have been asked to request that, subject to meeting VicRoads requirements, moves be made to establish some form of pedestrian crossing. I do not know what form it would take. It may be a partition in the middle of the road, as I have seen in numerous other places. This is not necessarily a call for the installation of traffic lights; it may be that some other form of traffic flow management would be suitable. I ask the minister to take action to establish whether there is a requirement for VicRoads to install some form of pedestrian crossing on the road I have mentioned.

Rail: Gippsland line

Mr VINEY (Chelsea) — Last Tuesday, 15 August, I attended a public meeting in Bunyip and as a result undertook to raise a matter for the attention of the Minister for Transport in the other place. The matter I wish to raise is the new train timetables following the fantastic reworking of our rail system in regional Victoria. One of the afternoon peak services no longer stops at seven or eight stations along the track but stops at a number of significant ones. The action I seek from the minister is to investigate a way of providing an evening peak stop for passengers who use the train that leaves Flinders Street at 4.59 p.m. The train does not now stop at a number of stations before Warragul, including Nar Nar Goon, Tynong, Bunyip and Longwarry, and it does not stop at Yarragon and Trafalgar after Warragul.

Honourable members interjecting.

Mr VINEY — The new timetable is causing some difficulty for residents along that line. I note the interjections from members on the other side. I remind them that this rail system had not been upgraded for about 110 years, so their government did not do any upgrades.

Hon. Richard Dalla-Riva — On a point of order, President, the member has been here long enough to know that he should not debate adjournment matters.

The PRESIDENT — Order! There is no point of order. I ask the member to continue his adjournment matter.

Mr VINEY — The member for Bass in the other place, Mr Ken Smith, and Mr Hall were at that meeting. I noted there was some inconsistency in the Liberal Party on this issue. Mr Smith promised that, if elected, the Liberal Party would stop the train at all of the stations. The Liberal Party candidate in Narracan, Mr Blackwood, has suggested that the train should be an express all the way to the Latrobe Valley.

Unlike others at the meeting who made promises to change things, I undertook to raise the matter in this house for the attention of the Minister for Transport in the other place. I am meeting that commitment, and I hope the minister will be able to find a way to provide a service for these passengers.

Rail: Nunawading crossing

Hon. B. N. ATKINSON (Koonung) — I raise a matter with the Minister for Transport in the other place. I note that the federal government has provided

funds for the examination of a grade separation at the Springvale Road railway crossing at Nunawading. The federal government has committed an initial sum of \$25 million towards a solution for that railway crossing because there is significant traffic congestion in and around the intersection of Maroondah Highway and Springvale Road, as well as on Springvale Road itself, which is now contributing to significant overflows of traffic into roads such as Rooks, Mitcham and Blackburn roads.

As part of that announcement the federal government has immediately allocated \$1.5 million immediately to the City of Whitehorse for it to undertake a feasibility study into solutions for Springvale Road. The city has been active in pursuing a grade separation strategy within its borders. It has on a previous occasion suggested that grade separations ought to be achieved on all the crossings along that line. Certainly from an engineering perspective it would seem to be appropriate to go for a solution that is consistent along the entire line. It is a busy line that picks up both the Belgrave and Lilydale lines.

I note that government statistics indicate there has not been significant growth in patronage on that line compared with some of the others, but part of the reason is that it has been impossible to increase the frequency of trains because of the delays caused by the at-grade crossings on these major roads.

The government, with its head-in-the-sand approach, believes the freeway — which is no longer a freeway, it is a tollway — from Springvale Road to Frankston will relieve traffic congestion on Springvale Road. That is not going to happen. It is important that a solution to the Nunawading railway crossing be found. In my view grade separation is needed at all the crossings along this railway line.

I seek the minister's involvement and instruction to his agencies, particularly VicRoads, to participate in the feasibility study to be undertaken by the City of Whitehorse and the government to commit to supporting the resolutions established under that feasibility study.

Dandenong: transit city project

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Major Projects, Mr Lenders, with respect to the Dandenong transit city project. As the house would know, the government has committed \$290 million to the rejuvenation of Dandenong in the space of 10 months — —

Hon. J. A. Vogels — But over how many years?

Mr SOMYUREK — This project was part of our election commitment in 1999 but \$290 million is far above the election commitment that was made in 1999.

Businessowners, residents and all key stakeholders in Dandenong are a little bit concerned and anxious about the noises coming from the Liberal Party at the moment. They are worried that a future Liberal government would potentially reverse this funding to Dandenong. That is no great surprise. The level of anxiety being experienced in Dandenong at the prospect of a future Liberal government is no great surprise given that the Leader of the Opposition in another place, Mr Baillieu, has had some recent press disparaging this project. The Honourable Gordon Rich-Phillips has been negative on it, and we know the Honourable Bruce Atkinson's views on Dandenong — I will not revisit them at the moment. I understand the President has ruled on that matter. It is highly contentious, and I will not go into it at this point in time.

Hon. J. A. Vogels interjected.

Mr SOMYUREK — I will get to that, Mr Vogels. The action I seek from the Minister for Major Projects is that he put in place arrangements which will ensure that the \$290 million of funding promised to Dandenong cannot be reversed should a Liberal government take office.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Richard Dalla-Riva raised a matter for the Minister for Transport in another place concerning Auburn Road and the need for traffic management and issues surrounding that.

Mr Viney raised a matter for the Minister for Transport concerning the train timetables from the city to eastern Victoria and was seeking to increase the stops in peak hour to around seven of the towns along that route. That will be passed on to the minister.

The Honourable Bruce Atkinson raised a matter for the Minister for Transport concerning grade separation around Springvale Road and the railway station.

Mr Somyurek raised a matter for the Minister for Major Projects concerning the Dandenong transit city and a guarantee to spend \$290 million irrespective of who is in government. They will all be passed on to the ministers.

Hon. Richard Dalla-Riva — On a point of order, President, I noticed in the minister's response that she agreed to refer the government members' adjournment matters but she did not agree to refer the Honourable Bruce Atkinson's or my matters to the Minister for Transport. I ask that she specify that.

The PRESIDENT — Order! Mr Dalla-Riva will sit down. The minister listed all three of them for the Minister for Transport and said she would refer them on.

Motion agreed to.

**House adjourned 4.17 p.m. until Tuesday,
12 September.**