

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**18 November 2003  
(extract from Book 6)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

JOHN LANDY, AC, MBE

## **The Lieutenant-Governor**

Lady SOUTHEY, AM

## **The Ministry**

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

## Legislative Council Committees

**Privileges Committee** — The Honourables W. R. Baxter, Andrew Brideson, H. E. Buckingham and Bill Forwood, and Mr Gavin Jennings, Ms Mikakos and Mr Viney.

**Standing Orders Committee** — The President, Ms Argondizzo, the Honourables B. W. Bishop and Andrea Coote, Mr Lenders, Ms Romanes and the Hon. E. G. Stoney.

## Joint Committees

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

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

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

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

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

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

**Law Reform Committee** — (*Council*): The Honourables Andrew Brideson and R. Dalla-Riva, and Ms Hadden.  
(*Assembly*): Ms Beard, Mr Hudson, Mr Lupton and Mr Maughan.

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

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

**Public Accounts and Estimates Committee** — (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, and Ms Romanes. (*Assembly*): Ms Campbell, Mr Clark, Mr Donnellan, 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 Hon. A. P. Olexander.  
(*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

## Heads of Parliamentary Departments

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

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

*Hansard* — Chief Reporter: Ms C. J. Williams

*Library* — Librarian: Ms G. Dunston

*Joint Services* — Director, Corporate Services: Mr S. N. Aird

Director, Infrastructure Services: Mr G. C. Spurr

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

**President:** The Hon. M. M. GOULD

**Deputy President and Chair of Committees:** Ms GLENYYS ROMANES

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

**Leader of the Government:**  
Mr J. LENDERS

**Deputy Leader of the Government:**  
Mr GAVIN JENNINGS

**Leader of the Opposition:**  
The Hon. P. R. DAVIS

**Deputy Leader of the Opposition:**  
The Hon. ANDREA COOTE

**Leader of the National Party:**  
The Hon. P. R. HALL

**Deputy Leader of the National Party:**  
The Hon. D. K. DRUM

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



# CONTENTS

## TUESDAY, 18 NOVEMBER 2003

ROYAL ASSENT .....	1327	PAPERS.....	1341
FAIR TRADING (FURTHER AMENDMENT) BILL		EMERALD TOURIST RAILWAY (AMENDMENT)	
<i>Introduction and first reading</i> .....	1327	BILL	
PROFESSIONAL STANDARDS BILL		<i>Second reading</i> .....	1342
<i>Introduction and first reading</i> .....	1327	<i>Third reading</i> .....	1355
STATE TAXATION ACTS (FURTHER		<i>Remaining stages</i> .....	1355
MISCELLANEOUS AMENDMENTS) BILL		RESIDENTIAL TENANCIES (AMENDMENT) BILL	
<i>Introduction and first reading</i> .....	1327	<i>Second reading</i> .....	1355
ROAD SAFETY (AMENDMENT) BILL		<i>Third reading</i> .....	1366
<i>Introduction and first reading</i> .....	1327	<i>Remaining stages</i> .....	1366
ACCIDENT COMPENSATION AND TRANSPORT		ELECTORAL (AMENDMENT) BILL	
ACCIDENT ACTS (AMENDMENT) BILL		<i>Second reading</i> .....	1366
<i>Introduction and first reading</i> .....	1327	<i>Third reading</i> .....	1380
RULINGS BY THE CHAIR		<i>Remaining stages</i> .....	1380
<i>Questions without notice: supplementary</i> .....	1328	CRIMES (STALKING) BILL	
QUESTIONS WITHOUT NOTICE		<i>Introduction and first reading</i> .....	1380
<i>Royal Children's Hospital: AKZ Consulting</i> .....	1328	TRANSPORT (RIGHTS AND RESPONSIBILITIES)	
<i>Consumer and tenancy support services:</i>		BILL	
<i>delivery</i> .....	1329	<i>Introduction and first reading</i> .....	1380
<i>Woodside Petroleum: seismic surveying</i> .....	1329	ADJOURNMENT	
<i>Housing: older person units</i> .....	1330	<i>Parliament: computers</i> .....	1381
<i>Consumer and tenancy services: delivery</i> .....	1331	<i>Buses: Smart Bus services</i> .....	1381
<i>Information and communications technology:</i>		<i>Road safety: speed cameras</i> .....	1381
<i>Skillsnet program</i> .....	1332	<i>Point Lonsdale: beach protection</i> .....	1382
<i>Wind farms: Portland</i> .....	1333, 1334	<i>Ombudsman: prisoner complaints</i> .....	1382, 1385
<i>Bendigo: goldmining</i> .....	1333	<i>New Stone Age Dynasty art collection</i> .....	1382
<i>Aboriginals: cultural heritage database</i> .....	1335	<i>Hazardous waste: Tiega</i> .....	1383
<i>Supplementary questions</i>		<i>Rail: Warrnambool platform</i> .....	1383
<i>Royal Children's Hospital: AKZ Consulting</i> .....	1328	<i>Hazardous waste: Baddaginnie-Violet Town</i> .....	1384
<i>Woodside Petroleum: seismic surveying</i> .....	1330	<i>Western Port Highway, Lyndhurst: residential</i>	
<i>Consumer and tenancy services: delivery</i> .....	1332	<i>developments</i> .....	1384
<i>Wind farms: Portland</i> .....	1334	<i>Hazardous waste: transport</i> .....	1385
QUESTIONS ON NOTICE		<i>Responses</i> .....	1385
<i>Answers</i> .....	1335		
MEMBERS STATEMENTS			
<i>Beacon Cove development</i> .....	1336		
<i>Shepparton Italian Women's Group anniversary</i> ....	1336		
<i>Racing: rural and regional clubs</i> .....	1337		
<i>Euroa cinema refurbishment</i> .....	1337		
<i>Government: performance</i> .....	1337		
<i>San Remo community centre and preschool</i> .....	1338		
<i>War memorials: maintenance</i> .....	1338		
<i>Walter and Eliza Hall Institute: biotechnology</i>			
<i>centre</i> .....	1338		
<i>Housing: first home owner scheme</i> .....	1339		
<i>Whitehorse: Not So Fast program</i> .....	1339		
<i>North-east Victoria: Tidy Towns awards</i> .....	1339		
<i>Ballarat show</i> .....	1340		
<i>Gippsland: hotel awards</i> .....	1340		
<i>Geelong: G21 strategic plan</i> .....	1340		
<i>University of the Third Age: Port Phillip</i> .....	1341		
SCRUTINY OF ACTS AND REGULATIONS			
COMMITTEE			
<i>Alert Digest No. 9</i> .....	1341		



**Tuesday, 18 November 2003**

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.

### ROYAL ASSENT

Message read advising royal assent on 11 November to:

Aerodrome Landing Fees Act  
 Cemeteries and Crematoria Act  
 Child Employment Act  
 Education (Workplace Learning) Act  
 Education Legislation (Miscellaneous Amendments) Act  
 Extractive Industries Development (Amendment) Act  
 Port Services (Port Management Reform) Act  
 Royal Botanic Gardens (Amendment) Act  
 Scots' Church Properties (Amendment) Act  
 Victorian Curriculum and Assessment Authority (Amendment) Act  
 Victorian Qualifications Authority (Amendment) Act  
 Water Legislation (Amendment) Act.

### FAIR TRADING (FURTHER AMENDMENT) BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Consumer Affairs).

Mr LENDERS (Minister for Consumer Affairs) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading be made order of the day for next day.

### PROFESSIONAL STANDARDS BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

Mr LENDERS (Minister for Finance) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading be made order of the day for next day.

### STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

Mr LENDERS (Minister for Finance) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading be made order of the day for next day.

### ROAD SAFETY (AMENDMENT) BILL

*Introduction and first reading*

Received from Assembly.

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

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

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading be made order of the day for next day.

### ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL

*Introduction and first reading*

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

Mr LENDERS (Minister for Finance) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

**Leave refused.**

**Ordered to be printed and second reading be made order of the day for next day.**

## RULINGS BY THE CHAIR

### Questions without notice: supplementary

**The PRESIDENT** — Order! On 14 October 2003 Mr Viney wrote to me indicating his concerns that supplementary questions were not being used for the purpose for which they were intended. Mr Viney asked me to give consideration to bringing the procedure more into line with the guidelines of other chambers and gave the Senate as an example. He also raised points of order in the house on the subject of supplementary questions on 15 October and 6 November, when he indicated his concern at the practice of asking the original question in general terms about the implementation of a broad policy whereas the supplementary question was very specific.

The supplementary questions procedure is governed by sessional order 8, which makes no attempt to codify the procedure in any way. To date in the house the procedure has been governed by the statement of President Chamberlain to the house on 19 March 2002, in which he indicated that a supplementary question may be asked of the minister in order to elucidate the reply to the original question and that supplementary questions must be actually and accurately related to the original question and must relate to or arise from the minister's response.

In my view a supplementary question should only be asked to elucidate or clarify the answer given to the original question. It should relate to that answer and should be asked only if the member asking the question feels it necessary to seek further information on the matter or to ask the minister to further explain the answer. In future, any supplementary questions which do not strictly meet this criteria will be ruled out of order.

## QUESTIONS WITHOUT NOTICE

### Royal Children's Hospital: AKZ Consulting

**Hon. D. McL. DAVIS** (East Yarra) — My question today is to the Minister for Finance. I refer the minister to a leaked note prepared for the Premier by Andrejs Zamurs that refers to the government pricing review of

public hospitals. Does the minister agree with the memo's wording, that the pricing review being undertaken by the Department of Human Services, the Department of Treasury and Finance and the Department of Premier and Cabinet is a major factor in keeping 'them' — the Royal Children's Hospital — on board and that the behaviour of the Royal Children's Hospital is regarded by many as outrageous?

**Mr LENDERS** (Minister for Finance) — The hypothetical memo, or the memo that Mr David Davis referred to, is certainly one that I have not seen nor do I seek to see it, because the issues he raises are clearly within the purview of the Minister for Health and the Treasurer. My having said that, Mr David Davis continues to raise issues and seek answers in this house, which is appropriate, but I would suggest to him that he should coordinate some of his strategies with the person representing him in the other house, the member for Caulfield, Mrs Shardey, and perhaps get her to ask some of the questions of the relevant ministers. Those are issues that are more appropriate for the Minister for Health and the Treasurer.

**Hon. D. McL. Davis** — On a point of order, President, the Department of Treasury and Finance is in part controlled by the Minister for Finance, and the Department of Treasury and Finance has a key role in the pricing review that is being undertaken in conjunction with the Department of Human Services and the Department of Premier and Cabinet. My point of order is that it is entirely within the minister's responsibility, and he ought to respond to the question. He has not been responsive to the question.

**The PRESIDENT** — Order! I do not uphold the point of order. The minister has responded to the question put by the member.

### *Supplementary question*

**Hon. D. McL. DAVIS** (East Yarra) — This is extraordinary when you think about it! This pricing review goes to the heart of our major public hospitals, yet this minister says he is not responsible and has no role in it despite a member of his department being involved with that pricing review. Will the government's pricing review, which the Department of Treasury and Finance is a part of, consider consultancy costs within public hospitals and compliance with the Financial Management Act guidelines, which the minister is responsible for, for the declaration of consultancy costs?

**Mr LENDERS** (Minister for Finance) — For the benefit of the Council, there are three ministers who are

responsible for administering the Department of Treasury and Finance. Pricing reviews come under the control of the Treasurer. On the general issue of this government's financial management and consultancies, which Mr David Davis has raised, I remind the house that it was the Bracks government which reduced the number of consultancies across the whole of government; it has done it across the whole of government. We have removed the waste of the Kennett government, which slashed the core public service. Since the election of the Bracks government the number of consultancies across the whole of government is down, and there is a focus on core government service. This government believes in having sound financial management and a AAA credit rating. AAA is here to stay!

### **Consumer and tenancy support services: delivery**

**Hon. S. M. NGUYEN** (Melbourne West) — I refer my question to the Minister for Consumer Affairs. What action is the Bracks government taking to target consumer and tenancy services to vulnerable consumers?

**Mr LENDERS** (Minister for Consumer Affairs) — I thank Mr Nguyen for his question about what the government is doing to target services for vulnerable consumers and tenants.

This government has inherited an historical system where many of the services dealing with consumer and tenancy areas were gutted by the Kennett government and then outsourced to the lowest bidder in a way that removed some of the capacity for targeting. This government is going out and consulting with the service delivery agencies, and my colleague Mr Scheffer has been of considerable assistance in helping me in this area in going out — which is something novel to those opposite — talking to stakeholders and saying, 'Our prime concern is how can we deliver services to vulnerable consumers and what is the model across the department, across the funded agencies, to do that?'

We have a couple of principles that go to this. The first is: how do we target? One of the ways we are looking at targeting is that over the last period of time we have targeted some unbelievably vulnerable consumers. We have an indigenous consumers unit which goes out and seeks out consumers who are being exploited. Under the previous models we had, indigenous consumers made very few complaints to government, but now there is a capacity to empower those consumers. We now have an Arabic-speaking housing worker. We have a Vietnamese-speaking housing worker, which

Mr Nguyen would well know, in a community that has not traditionally had access to government services.

We also have responsibilities in consumer affairs now for new and emerging areas such as bodies corporate, where Ms Buckingham is doing a lot of fantastic work and where there are vulnerable tenants who do not have a place at the table when decisions are being made.

For all these reasons the government is not afraid to consult with the stakeholders and consult in communities. I alone have visited 17 of the 22 funded agencies and spoken to the leaderships of a further 4 to try to get a sense of how we can go forward and deliver these services to consumers across the state, particularly the vulnerable consumers.

One of the underpinnings of all of this is that there will be regional representation across Victoria — an unequivocal commitment. At the moment we have offices spread across a number of regions. We are looking for models that build upon the regional service provision and specialist service provision in Victoria but doing it in a way that targets more effectively those resources and in a way that engages the users to find a better model. That is the style of government where governments are not afraid to engage stakeholders — for a minister, in my case, to go around for several months talking to stakeholders; for John Scheffer, my parliamentary colleague, to meet frequently with them; and for us to go through a range of areas to try to find with their support the ideal model for dealing with this.

This is a government that listens and acts. This is a government that goes out there, engages and finds a way to bring our community on board, and through that we can target more effectively the resources of government to protect vulnerable consumers. The opposition may not believe it, but they are out there and they deserve the government's attention.

### **Woodside Petroleum: seismic surveying**

**Hon. J. A. VOGELS** (Western) — I direct my question without notice to the Minister for Energy Industries, the Honourable Theo Theophanous. I refer to his answer to the Honourable Bill Forwood's question without notice of 28 October 2003 on seismic surveying now going on along parts of the Victorian coast and the collapse of the coastal tourist icon attraction near Peterborough known as the Crown of Thorns during that testing period. Can the minister assure the house that Woodside Petroleum's seismic testing off the coast of Peterborough at that time this rock formation collapsed into the sea did not precipitate this disaster for the local tourist industry?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the honourable member for his question. As I have indicated before to the house, seismic testing is an important part of what we do in the resources area in order to identify those places where we can successfully mine or drill for oil and gas and other resources. Indeed, in the areas the honourable member referred to, a range of discoveries has occurred, including exciting discoveries in the Otway Basin. Those discoveries have meant that new gas will be brought on line, gas which will be provided through the SEA Gas pipeline to South Australia. It will also be available as an alternative form of supply to Victoria.

The consequence of that is for the first time Victoria faces the prospect of having a diversity in the supply of gas available to it. This is in stark contrast to the previous administration, which left the state in relation to gas in a parlous position. We had the tragic occurrences at Longford with no alternative sources of gas available to the state, and the state was left without gas for a period of two weeks.

These discoveries have all come about as a result of this government ensuring that appropriate seismic testing occurs in order to identify the areas where it is likely or possible for us to find gas supplies. I have also indicated to the house that the government is doing this responsibly, because it made decisions in one case not to allow seismic testing in the area around the Twelve Apostles. We made that decision on the basis that this was a national park, and we wanted to be absolutely certain before we would allow seismic testing in that very sensitive area.

We allowed Woodside to continue with its seismic testing outside the national park in order to identify areas associated with that region and to map the area for the purposes of ascertaining whether gas exists in that area.

I am confident that that seismic testing will deliver the sort of information that is required for the state, notwithstanding the attempts of the opposition and the honourable member to play down these important achievements and to try and stir up the community. This seismic testing is delivering results for Victoria.

*Supplementary question*

**Hon. J. A. VOGELS** (Western) — The minister just does not get it. The Crown of Thorns is a rock formation that is not replaceable. About a million tourists a year go down to look at it; it is not far from the Twelve Apostles and the Bay of Islands. That rock formation collapsed during the seismic survey. What

action does the minister intend to take to make sure that in future there is no risk from seismic tests, because this one has proved to be exactly the opposite. You cannot put it back.

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — As I indicated before, this member is trying to whip up local hysteria in relation to these issues. There is no evidence for what he has suggested by way of his questions that that was related to seismic activity. Not only that, the member is simply trying to stop this state from developing further. He has made the same set of claims in relation to seismic testing even before it started off. It is about time he got on board for the development of this state and the appropriate supply of gas for the people of Victoria.

**Housing: older person units**

**Mr SOMYUREK** (Eumemmerring) — My question is addressed to the Minister for Housing. Can the minister advise the house what the Bracks government is doing to address the needs of older people seeking public housing?

**Ms BROAD** (Minister for Housing) — I thank the member for his question and continued interest in how the Bracks government is delivering social housing for Victorians, especially for older Victorians, and in particular for older Victorians living in his electorate.

The Bracks government is ensuring that, through the Office of Housing capital program, special design units for older Victorians are being constructed. A great example of this is in Noble Park North where last week I had the pleasure of visiting 18 brand-new units for older Victorians and attending their official opening with the Premier and the member for Mulgrave in another place. The site was chosen for housing for older persons due to its excellent location close to public transport, shopping facilities, major hospitals, medical and other services.

I am pleased to report that construction work commenced on the site in mid-September 2002, with completion and handover in September 2003, at a total cost of \$2.7 million, which is excellent value for money in anyone's terms.

This excellent project comes at a time when opposition members, who, as we know, will say and do anything for a headline, are running around the state saying that the government only delivered 500 to 600 properties last year out of the government's target of 1535. The reality is that the government actually delivered more than 1600 housing units, which is well above its target.

That is not the only thing the opposition gets consistently wrong in the housing portfolio. We are not sure whether it is because opposition members will say and do anything for a headline, or whether it is just incompetence. They are now running around Victoria falsely saying that a change in the accounting treatment, signed off by the Auditor-General and reported to the Public Accounts and Estimates Committee, is a \$120 million cut to the capital budget of housing. The commonwealth decline in funding to Victoria's social housing program over the last decade has reached a massive cut of more than \$631 million.

The question has to be asked: why do they continue to be Liberals first and Victorians second and refuse to call on the federal government in Canberra to restore funding as the Bracks government has done through its submission to the Productivity Commission?

The Leader of the Opposition in another place told his party conference in Shepparton recently that country public housing waiting lists have increased by 50 per cent in three years. We all know that the opposition routinely includes the transfer list — that is, a list of people who are already accommodated in housing — to inflate the figures. The Bracks government has reduced the statewide waiting list by around 15 per cent since it came to government — from 41 000 in June 1999 to just under 35 000 in September 2003.

We do not shy away from the fact that there are too many Victorians in need of affordable housing. At a time after the commonwealth government has cut housing by \$631 million over the last decade we are taking the difficult and important decisions to ensure the long-term viability of Victoria's social housing sector.

We have committed some \$174 million above our commonwealth-state housing agreement obligations, and we are committed to the establishment of affordable housing associations in order to grow public housing in Victoria. The Bracks government is committed to delivering for the future of social housing in Victoria.

### **Consumer and tenancy services: delivery**

**Hon. P. R. HALL** (Gippsland) — My question without notice is addressed to the Minister for Consumer Affairs. It goes to the same issue as that raised by the Honourable Sang Nguyen — that is, the delivery of consumer and tenancy support services. Given that the proposed service changes arise from a review by an organisation called the Knowledge Corporation, which completed its report in January

2002, why has it taken almost two years for the government to respond to this review, and why is it now allowing a scant 27-day period to consult with service providers?

**Mr LENDERS** (Minister for Consumer Affairs) — The report Mr Hall refers to was commissioned by my predecessor. Some of the issues arising out of that report were, in a preliminary sense, dealt with — those dealing with the badging of agencies and whether a consumer in Mr Hall's electorate would necessarily know to come for consumer and tenancy services to agencies that did not necessarily have the name 'consumer affairs' in them. My predecessor deferred the rolling over of three-year funding for a year to have a chance to give a more considered response and to consult further on it. There was an election and a ministerial reshuffle, and so I received it. Rather than make hasty decisions, I rolled over the funding for another year so that we could make an informed decision.

As far as consultation goes, as I have informed the house before, I visited 17 of the 22 funded agencies, including 2 in Mr Hall's electorate. I met with the committees of management and the funded workers and asked them about a range of issues with an interest in how they were operating, in particular how people would have access to those services. These services, without exception, are staffed by incredibly dedicated workers who have a passion for tenancy and consumer issues.

As far as consultation goes, I guess the fact that a minister of the Crown has gone to 17 out of 22 funded agencies and met with another 4 probably is a level of consultation that in previous eras never happened. From that point onwards, I asked my colleague Mr Scheffer to do some further work on this area so we could bring it into place. After that process, the agencies were called in to respond to a number of models that were put forward. They in very forthright terms made known their view that some of those models were totally unacceptable. Views came back on some of those that we have gone to.

If the issue from Mr Hall is that there was too little time for consultation, I put to him that a year and a half is an awfully long time. If the issue is that there was too long a period of consultation, I point out that consultation is how you sound out and get back views, but in the end governments need to decide.

I take up Mr Olexander's interjection in response to the question. One of the interesting things is that Mr Olexander was in this house a few weeks ago

espousing the virtues of a phone-line service that has no regional presence, and he was calling on the government to fund it. Today in his interjection he is totally dismissing that form of service and saying there have to be regional locations and local locations.

Consultation is about going forth and presenting the model, and the end product can be several things. Firstly, how do we maintain a regional presence? Secondly, how do we target and focus the resources to assist all consumers who ring in for services but particularly vulnerable consumers who want a further level? To get that mix right, you need government going out and engaging. You need to engage the people who are working in the sector, and you need to look at other models. Then you need to reach a conclusion. Seven and a half months before the funding runs out the stage we are at now is that of putting a series of propositions before agencies and members so that we can get their feedback. After that is done we will have a period of probably six months so there can be certainty for any transition that may assist. That is a courtesy that these agencies have probably seldom received before. As far as consultation goes: here are the ideas, push back, give us a view. That is listening and acting. It is a style of government those opposite could learn from.

*Supplementary question*

**Hon. P. R. HALL** (Gippsland) — I wish to seek clarification on the issue raised by the minister in his answer about access to services. Is it not true that the review stated:

There is a benefit in having a community-based program that complements services provided by CBAV —

and that at no stage did that review recommend that community-based services be cut back or withdrawn?

**Mr LENDERS** (Minister for Consumer Affairs) — Mr Hall quotes selectively from part of a comprehensive report that challenged government on how to provide the service. In the end the government needs to come to terms with how to provide a service and what is the best way of doing it. In the Gippsland region that Mr Hall represents we have services located in a number of towns. Other parts of the Gippsland region will say to me that they are not receiving the services. I was recently with Mr Hilton in the southern part of his electorate, where people were scathing of the fact that services were located in Morwell and not in Wonthaggi and Cowes.

The answer for us and the way of dealing with those areas is we need to look at how we can better spread those services, target some and deal with them. That is

what we are doing; we are talking about how to do it. We are not afraid to engage in talk. You will cop criticism in talking, but it is better to get the views of the electorate, take them on board and then decide, rather than to act unilaterally like the previous government did.

**Information and communications technology:  
Skillsnet program**

**Hon. R. G. MITCHELL** (Central Highlands) — My question is to the Minister for Information and Communication Technology, the Honourable Marsha Thomson. Can the minister inform the house of what the Bracks government is doing to ensure that all Victorians have an opportunity to learn how to use the Internet?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the honourable member for his question. The Bracks government does realise the importance of information and communications technology (ICT) skills to all in our Victorian community — not just those who can afford to get access but to all. In February 2000 the government announced a \$5.5 million expansion of the information and communications technology skills program, Skillsnet, to help ensure that ICT skills training was available to those who would otherwise not have access to that kind of training nor access to the computers they needed to train on.

The expansion of the Skillsnet program involved not only increased funding but it also improved the delivery criteria to ensure that training reached those who actually needed it most — not just those who could do it for themselves but those who needed it most.

The monitoring of the program was improved to ensure that the targets were in fact being met. The program had a target of 80 000 members by June 2003. I was pleased to announce in this chamber that in fact the target was reached nine months ahead of schedule, and last month the program actually went beyond the 100 000 mark — that is, 100 000 people have gone through the Skillsnet program.

The training occurred at over 1000 locations across the state. Internet training has been delivered to a range of target groups who may otherwise not have had access to it. Older Victorians, low-income earners, long-term unemployed, people with multiple sclerosis, the vision impaired and people from Greek, Italian, Hungarian, Russian, African and Vietnamese communities are just some of the examples of those who have benefited from the Bracks government's Skillsnet program. More than

80 percent of these groups are located in regional Victoria. Everyone in this chamber would have to agree that this is a highly successful program.

The Howard government actually funds similar programs. However, the Australian National Audit Office was critical of the way the federal government allocated and administered almost \$500 million worth of grants under the federal Networking the Nation and Rural Transactions Centres programs. The departments responsible for handing out the grants were criticised for failing to check what the money had been spent on or for monitoring the progress of projects that had received the funding. These programs have been poorly monitored and have produced few improvements to those in regional areas who desperately need them.

That is where the Bracks government is very different. Unlike the federal Liberal government, which is more interested in a bit of pork-barrelling than in delivering for the community, the Bracks government is delivering outcomes throughout Victoria — not just in Labor seats or marginal seats but for the Italian Skillsnet program in Shepparton, the Turkish Islamic project in Mooroopna, the far southwest project in Hamilton and the Borderland project in Hawthorn. We put in the effort to listen to the community, to identify its needs and to act on those needs.

We do not take the easy road of just flicking them a bit of cash and then abandoning them. We provide them with a real service, a service they need, and a service on which they can depend.

### Wind farms: Portland

**Hon. BILL FORWOOD** (Templestowe) — My question is to the Honourable Theo Theophanous, Minister for Energy Industries. In the minister's press release of 22 October he said:

The Portland smelter will also be using power generated by the Portland wind energy project (PWEF) from 2006.

What role will the State Electricity Commission of Victoria play in this transaction?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the honourable member for his question and for his interest. I know he has a genuine interest in the electricity and energy industries in this state. In the press release I was referring to some arrangements that are in place in relation to wind energy — in this case the Portland wind project, which is variously supported by some members of the opposition and not supported by other members of the opposition.

**An Honourable Member** — Name them!

**Hon. T. C. THEOPHANOUS** — I am not sure where the Honourable John Vogels sits this week. He has been up the back for many weeks!

In the media release regarding the wind project at Portland I made the point that a significant amount of power will be generated. In fact, up to 180 megawatts of power will be generated by the Portland project, and under an arrangement with the Portland smelter, that smelter would take that power. Consequently, the distance that particular bit of power would need to travel into the system is far less, given that it is being generated in more or less the same location. That will reduce transmission losses.

That makes technical sense, because, as the member would understand, it is obviously more efficient to use the power coming out of the Portland wind project for Portland rather than transport power all the way from the Latrobe Valley. Under this arrangement the Portland smelter will take the power from the wind project as required.

Obviously a set of technical and financial arrangements underlie that, including arrangements under the mandatory renewable energy target scheme, as well as the overall management of the electricity industry and the shifts of supply which, as the member knows, are organised through the National Electricity Market Management Company. As to the role of the SECV which the honourable member specifically asked me about, I am happy to come back to him with a specific response in relation that matter.

### Bendigo: goldmining

**Mr SMITH** (Chelsea) — My question is to the Minister for Resources, the Honourable Theo Theophanous. Will the minister inform the house what progress is being made with the Bendigo goldmine?

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — I thank the honourable member for his question.

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — I note the interjections of the Honourables Damian Drum and Barry Bishop. I am not sure whether they support this goldmine or whether they support the comments made on the ABC *Stateline* program by a number of people who were talking down the project. I would be interested to know which side Mr Drum and Mr Bishop support.

The Bracks government is a supporter of the new Bendigo goldmine, which is now at a critical stage of its development. It has been in exploration for many years now, and it is currently going through the approvals process for site expansion which, if successful, will ensure the future of the mine. It is a massive expansion involving significant expenditure by the company and also has a payback of many jobs — up to 350 according to the company. If the project is successful it will also involve ongoing expenditure of \$230 million per annum.

Whilst the expansion proposal is not without controversy, it is an important project for Bendigo and for the state of Victoria. As I said, in a recent *Stateline* program a number of people talked down the project. Whilst this government welcomes informed public discussion, it is not going to run away from supporting this kind of important development for the state simply because of media hype.

The Bracks government is endeavouring to ensure that environmental issues are addressed while promoting investment and jobs in Bendigo. This is the leadership that the community, industry and the mine want in relation to difficult issues such as this one.

One of the issues raised on *Stateline* related to the mine's rehabilitation obligations. The Bracks government has required Bendigo Mining to lodge a rehabilitation bond that can be set aside and used by government to rehabilitate the land where the company fails to do so or where it fails to meet the agreed standards of rehabilitation. So the hype about this program that has been created in Bendigo about rehabilitation not taking place — it might have been with the assistance of Mr Drum; I do not know — is incorrect.

Another issue relating to the location of mullock storage sites and the expansion proposal for the mine is the subject of a rigorous planning and environmental approvals process. This allows issues such as the mullock storage site to be raised and dealt with in consultation with the community.

The environment effects statement that Bendigo Mining is required to prepare will be assessed by an independent panel of experts, which will submit a report to the government recommending which site, if any, should be chosen for mullock storage, and any conditions which should be placed on any planning approval.

**Hon. D. K. Drum** — Why don't you come out in the community and tell the people all this!

**Hon. T. C. THEOPHANOUS** — That is exactly what we are doing; and it is what I am doing today, because we are making it clear today that we support goldmining and we support what is turning out to be a second gold rush in this state as a result of our policies.

### Wind farms: Portland

**Hon. BILL FORWOOD** (Templestowe) — I address my question to the Minister for Energy Industries, and I again address the issue of the Portland wind energy project. I thank the minister for his answer to my previous question and look forward to getting a response. What role did the government play in the decision for connection to take place at Alcoa rather than at Heywood?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I can inform the member that so far as my office is concerned, and me as minister in particular, I was not involved in those arrangements or discussions. I am not even sure of the time frame and whether it took place prior to my becoming a minister or not, but in any case the arrangements were put in place, I understand, between the company involved — —

**Hon. Bill Forwood** — Pacific Hydro?

**Hon. T. C. THEOPHANOUS** — Well, the two companies involved in this instance — Pacific Hydro Ltd and Portland Aluminium, and obviously there would have been involvement in this instance by the relevant electricity authority. However, again, as with the last question, if the member wishes to know the exact involvement, if any, of the government in this arrangement — and I would be surprised if we were directly involved in it — I am happy to make that investigation and to return to him with an answer.

### *Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — I thank the minister for his answer. Can he explain to the house why the Portland wind energy project is connecting at Alcoa rather than at Heywood?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I know that the honourable member wants to try to make some sort of issue out of this, and I am not sure exactly what the issue is, but if it is a simple request for information, which would obviously be of a highly technical nature, then I am happy to have my department provide him with the technical answers to those questions. However, if it is simply a question of making some sort of cheap points in relation to whether — —

**Hon. D. McL. Davis** — He doesn't do that kind of thing.

**Hon. T. C. THEOPHANOUS** — I think I will respond to that just so it can be put on the record, Mr Davis!

In relation to the decision to connect to one point or to the other, I doubt that the honourable member would be making some sort of a cheap political point about that.

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

**Aboriginals: cultural heritage database**

**Hon. KAYE DARVENIZA** (Melbourne West) — I refer my question to the Minister for Aboriginal Affairs, Gavin Jennings. What recent initiatives has the government supported in relation to the preservation of Koori cultural heritage and to assist indigenous Victorians to rediscover their unique identity?

**Mr GAVIN JENNINGS** (Minister for Aboriginal Affairs) — I thank the honourable member for her question and the Parliament's consideration of the important program that has been launched out of the Koorie Heritage Trust. On 2 September I had the privilege of joining the Governor of Victoria, John Landy, in opening the Koorie Heritage Trust Cultural Centre at 295 King St.

Last Friday I returned there, only two months later, to launch a new program called the Koorie Heritage Archive, which is an interactive database on a computer system, with the capacity to be used around the width and breadth of Victoria so that aboriginal members of the community can tap into their rich cultural heritage and for themselves obtain first-hand important genealogical evidence and documentation about themselves, their families and their families' connections.

Members of Parliament and the Victorian community would understand that this is a great partnership that has been put together by the Koorie Heritage Trust. Not only did it receive substantial financial support from the Bracks government but it also reached out to the philanthropic sector and received significant support from the Myer foundation.

But it goes beyond that in terms of making partnerships real. The partnership also includes the Public Records Office of Victoria, the State Library of Victoria, the Public Records Office in New South Wales and the South Australian Museum. It has also gone to the National Archives of Australia to bring together a

fantastic collection of documentary evidence, photographs, voice recordings and videos, and it brings them together on one database that is easily accessible. It has been a fantastic software project, based upon a program from central Australia — the Ara Iritija software program. It is the second time that this database has been used.

It is a very powerful information system that brings together this information from a wide variety of sources that will not only enable individual members of the aboriginal community to start tracing their family tree but also places it in the context of the history and culture of their country. We are talking about the country as described by south-eastern Australia. It is a very powerful piece of information software and a tool that members of the Aboriginal community can use to empower themselves to become better informed and, critically, to make important connections with their lost families.

As many members of the chamber know, the stolen generation phenomenon and Aboriginal communities losing connection with family is a profound issue that will be greatly assisted by this information database. I was happy to be joined at the launch by Margaret Warne and her long lost son, Matthew. Margaret lost contact with her son soon after he was born in Warragul 30 years ago, and through the information on this system, through the Koorie Family History Service they were able to piece together their connection and find one another after 30 years.

Every single person who was at this launch on Friday wept with joy at seeing how this important piece of information software could be used in a profound way to improve the quality of life for Margaret and her son. This database will not be an abstract archive sitting on the shelves getting dusty but will be used to improve the quality of life and the connections for Aboriginal communities and individual members of those communities, and certainly in the case of Margaret and Matthew it has already achieved a great result. It is a fantastic program, and I offer congratulations to the Koorie Heritage Trust.

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Minister for Finance) — I have answers to 61 questions on notice: 774, 775, 794, 811, 812, 852, 853, 877, 902, 943, 950–9, 961, 962, 973–9, 986, 991, 996–1000, 1003, 1015–19, 1023, 1034–7,

1044, 1046, 1050, 1054, 1056, 1062–4, 1095, 1136, 1149 and 1150–52.

**Hon. ANDREA COOTE** (Monash) — President, I am very disappointed to see that a number of questions on this list have still not been answered. They are ones about which I have asked questions in this place, and about which I have written letters. They are numbers: 668 — which was asked to Minister Pandazopoulos on 11 June — 961, 962, 963 and 964. I would appreciate an explanation.

**Mr Lenders** interjected.

**Hon. ANDREA COOTE** — I am sorry if the minister misunderstood. Two questions are directed through Minister Thomson to Minister Pandazopoulos and two questions are directed through the Minister for Finance to Minister Pike, both in the other house — 962 and 963 of 8 October.

**Mr Lenders** interjected.

**Hon. ANDREA COOTE** — I will correct the record. They are questions 668 and 964.

**Mr LENDERS** (Minister for Finance) — Three of those five questions have been answered. I am not sure to which minister questions 963 and 964 were addressed, but I will ensure that they are drawn to that minister's attention.

**Hon. C. A. STRONG** (Higinbotham) — Question on notice 787 was put on the notice paper on the first day of this sitting, so the answer is well overdue. I wrote to Minister Delahunty about three or four weeks ago reminding her that it had not been answered. I wrote again last week reminding her that it is still unanswered and sent a copy to the Leader of the Government. I also mentioned it to the Leader of the Government personally some time ago.

I would very much like this question to be answered. It is an important question, and it is a tragedy that the processes of this house are ignored in such a cavalier way. I know the minister will say that a large proportion of questions are answered, but this question has been there for a long time, and I would certainly appreciate an answer.

**Mr LENDERS** (Minister for Finance) — As I understand it, question 787 is for the Minister for Planning in the other place, so on behalf of Minister Madden I will follow that issue through for Mr Strong. I appreciate Mrs Coote and Mr Strong raising these issues, but I draw the attention of the house to the fact that on some days the government receives over

120 questions on notice, and the government's response to them has been consistent, with over 90 per cent being answered on time. The number of them being asked — over 120 a day — is an extraordinary amount, and this government's record in answering questions leaves in the dust that of the previous government.

## MEMBERS STATEMENTS

### Beacon Cove development

**Hon. ANDREA COOTE** (Monash) — Beacon Cove is an extremely successful housing development on the beachfront adjacent to Station Pier in Port Melbourne. Mirvac is the developer of this project, which has seen both single dwellings and high-rise buildings occupying a previously unattractive site. There have been seven stages of the development to date, and stage 8 is about to commence.

Mirvac, the Port Phillip City Council and the Minister for Planning in the previous Kennett government were very concerned about significant public space being made available right throughout the development. Now that stage 8 is about to commence the residents are concerned that the same attention to density and public space is not being followed. They have some very real concerns about environmental issues such as traffic, noise, rubbish collection and wind, and have put a very detailed and objective submission to both the Minister for Planning and the Department of Sustainability and Environment.

It is an excellent development, and I am sure many Victorians have enjoyed walking around it. The public space is particularly good, and the people who live there have been able to give a very good report to the department. I ask the Minister for Planning and the Minister for Environment in the other place to consider and act on the recommendations of the residents of Beacon Cove.

### Shepparton Italian Women's Group anniversary

**Hon. KAYE DARVENIZA** (Melbourne West) — I want to let the house know how delighted I was to be invited, along with my parliamentary colleague Wendy Lovell, to attend the Shepparton Italian Women's Group 20th anniversary celebrations.

The celebration luncheon was held at the Returned and Services League Club at Shepparton last Wednesday, and certificates which acknowledged and recognised the service made to the community were presented to

all the founding members of the club. Shepparton is one of Victoria's most culturally and linguistically diverse regional centres, and the Italian community is one of Victoria's most established ethnic groups.

I want to congratulate the Shepparton Italian Women's Group, particularly its president, Mrs Giovanna Busiello, on the excellent work that the organisation has done over the years and continues to do and for organising the celebration, which recognised and acknowledged the important role the founding members have played in supporting and assisting Italian women in the Shepparton area.

### **Racing: rural and regional clubs**

**Hon. D. KOCH** (Western) — I congratulate the concerned Victorians who signed the petition to retain the status quo for racing club autonomy, training facilities and racing dates.

Over 1200 signatures were collected from around the state, although due to incomplete address details and numerous trainers and racing supporters residing on state borders without Victorian addresses, more than half of these signatures were deleted from the tabled petition.

The signatures on the petition demonstrate and reflect the concerns of owners, trainers, racegoers and community leaders especially in rural Victoria where there is the threat of closure of 50 per cent of current facilities.

There is absolutely no doubt that racing communities do not want a dilution of their autonomy, and horse trainers and handlers will not accept arrangements that would reduce access to existing training facilities. The racing industry should accept responsibility for providing financial support at training centres for continuing trainer viability in regional Victoria.

Regional racing attendances and oncourse turnover grew by nearly 10 per cent in the past year. This openly demonstrates that the rural racing product is right. Ultimately, due to the stance taken by regional racing, commonsense has prevailed and all training centres, with the exception of the one at Traralgon, have been underwritten for the next three years.

### **Euroa cinema refurbishment**

**Hon. R. G. MITCHELL** (Central Highlands) — I rise to speak about the pleasure I had last Friday evening in attending the official opening of the refurbished Euroa cinema, which was attended by

300 people. The cinema is located in the civic centre, which is on the site of the old town hall.

The old cinema closed some 23 years ago and through combined funding from regional arts for \$40 000 and a generous matching amount from the Strathbogie shire, the refurbishment took place. The \$80 000 was spent on equipment such as second-hand projectors and acoustic curtains et cetera. Let me assure the minister the theatre not only looked great but the sound was sensational. It was a wonderful event, which was exceptionally well received by the Euroa community.

The theatre has a kiosk which will be run by different community groups each month to help those various community groups raise funds. Films will be shown in the theatre twice a month. A highlight of the evening was watching the local youth group's short films which showcased the extraordinary talents of the local youth and their wonderful abilities.

These projects take a tremendous amount of effort and special thanks need to go to all those involved, including Steve James, the master projectionist and project manager; Jodi Bjorksten, who has always impressed us with her dedication to the community; Alistair Pirie, the director of corporate services in the Strathbogie shire; and particularly to Joel Hoffman, the youth group coordinator. I ask Joel to pass on my congratulations to all the young people involved. These are four of the many people who made this happen. I know there are a lot more I have not mentioned. Well done to the Strathbogie shire and the Euroa community.

### **Government: performance**

**Hon. R. DALLA-RIVA** (East Yarra) — I had the great pleasure last week with the parliamentary Law Reform Committee of visiting Sydney and Brisbane, and I can say that whilst I enjoyed the program, one thing that stood out was the amount of development under way in those cities. You could see cranes — there was development, there was progress, there was movement. You could see these were states that were on the move; these were states that were delivering something.

It was then a shame to see on page 3 of Thursday's *Age* as I was sitting having breakfast in Brisbane surrounded by the cranes:

Victoria loses its place as richest state.

An article by Tim Colebatch says:

Victoria has been stripped of its title as Australia's richest state.

I am not surprised, because it says here:

On the new estimates, Victoria was briefly the trendsetter —  
in the Kennett years —

from 1997 to 1999, but since then has grown no faster than  
the rest of Australia.

In fact it reports here that:

Victoria's economic growth had been below the national  
average three years out of four ...

Members on the other side are a disgrace. When you  
come back to this state, there is no development and no  
progress. We are heading back to the Cain and Kirner  
years.

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

### **San Remo community centre and preschool**

**Hon. J. G. HILTON** (Western Port) — On  
Saturday I had the great pleasure of opening the  
3925 Community Centre and Preschool at San Remo.  
The 3925 refers to the postcode the centre will service.

*Honourable members interjecting.*

**The PRESIDENT** — Order! It is very difficult to  
hear the honourable member, and Hansard is having  
difficulty taking down his contribution. I ask the house  
to reduce the volume of conversation.

**Hon. Bill Forwood** — I move that his time be  
allowed to start again.

**The PRESIDENT** — Order! The honourable  
member, to continue.

**Hon. J. G. HILTON** — I will be non-controversial  
so there is no need for any interruption.

The genesis of this project was the investigation of  
preschool facilities going forward within the area.  
During this consultation phase it became apparent that  
there was a need for additional services, and the  
working party under the chairmanship of then  
Cr Miranda Sage recommended that a multipurpose  
community centre and some consulting rooms be part  
of the development. The Bracks Labor government was  
pleased to support this initiative and allocated \$300 000  
towards the facility — approximately 3 per cent of the  
total cost. The building was completed early this year,  
and the facility opened its doors in August.

The Bracks Labor government is committed to the  
provision of community infrastructure to enhance  
community building, and I believe this facility is an  
excellent example. The community room and  
consulting rooms are available for hire at very  
reasonable rates, and a number of local groups have  
already taken advantage of the facility. I was  
accompanied at the opening by Mr John Hulley, the  
mayor of the Shire of Bass Coast, and I would also like  
to commend the council for its investment in the  
project.

### **War memorials: maintenance**

**Hon. J. A. VOGELS** (Western) — At 11.00 a.m. on  
11 November I, like many others across Victoria,  
attended a wreath-laying ceremony to express my  
condolences and reflect with sadness on the  
extraordinary loss and suffering that resulted from the  
First World War. More than 60 000 Australians were  
killed in that war. Over 416 000 Australians  
volunteered for service, of whom 324 000 served  
overseas.

Following that terrible war, throughout Australia but  
particularly in rural Victoria many towns established  
avenues of honour for fallen comrades. As you travel  
into many country towns an avenue of trees leads you  
to its centre, and often there will be a plaque with a  
soldier's name on it at the base of each tree. The trees  
were planted 85 years ago, and over the ensuing years  
loved ones who have kept these avenues in fine shape  
have also passed on. Governments are prepared to  
spend millions of dollars on our heritage — usually on  
buildings because of their architecture — but it appears  
avenues of honour and honour boards erected in local  
shire halls containing the names of those members who  
responded to the national call to arms in times of our  
need are being neglected.

As 90 per cent or more of these memorials are on  
Crown land, I urge the Bracks government to establish  
a fund which can be accessed by local government  
on advice from the Returned and Services League to  
ensure their long-term place in history. It would not  
take a great deal of finance, but it would show that we  
have much to be thankful for and would prove we have  
not forgotten.

### **Walter and Eliza Hall Institute: biotechnology centre**

**Ms MIKAKOS** (Jika Jika) — Yesterday I had the  
pleasure of attending the opening by the Minister for  
Innovation of the new \$27 million Walter and Eliza  
Hall Institute (WEHI) biotechnology centre. The centre

is situated in La Trobe University's research and development park in Bundoora.

The Bracks government has contributed over \$2 million to the biotechnology centre through Bio 21 funding, with the remainder coming from WEHI and philanthropic organisations. The centre provides state-of-the-art facilities for high throughput chemical screening each day of up to 30 000 compounds with the potential to be developed into pharmaceuticals, medicinal chemistry, gene mapping and genotyping, monoclonal antibody production and mouse genetics. This is the only facility of its type in Australia.

Importantly, its focus is not only on first-world diseases. The biotechnology centre will also house a malaria functional genomics facility to assist in the development of new drugs and vaccines to combat malaria. According to the World Health Organisation, this parasitic disease spread by mosquitoes kills an African child every 30 seconds. Today malaria causes at least 1 million deaths annually and approximately 40 per cent of the world's population is at risk of the disease.

I congratulate the WEHI board and its staff on the opening of the new centre, and wish them well in their important work.

### **Housing: first home owner scheme**

**Hon. P. R. HALL** (Gippsland) — I wish to express serious concerns about the sham that preys on low-income wage earners who are lured into home ownership by forfeiting their first home owner grant as a deposit and then being charged twice the standard rate of interest on a vendor's term contract. The contracts are so outrageous that I believe in every instance borrowers have defaulted on those particular loans. Not only does the victim lose their first home owner grant but the state government does not receive any payment for stamp duty, given that stamp duty is only payable on the transfer of the property which occurs at the end of the vendor's term contract. As these contracts never come to fruition — they are always defaulted upon — there is no stamp duty payable to the state government.

I am aware that the government is concerned about this scheme, and I call upon it to expedite action so that other low-income earners are not fleeced of their first home owner grant and that operators of this scheme are prevented from continuing to avoid paying stamp duty

### **Whitehorse: Not So Fast program**

**Hon. H. E. BUCKINGHAM** (Koonung) — On Friday, 7 November, I was pleased to attend the launch

by the Whitehorse City Council — the mayor, Cr Jessie McCallum, local councillors and the federal member for Aston were also in attendance — of its Not So Fast program, which is aimed at reducing speed by motorists in local streets. The council chose to launch the road safety program at the Livingstone Primary School in Vermont to highlight that children getting to and from school can be at risk from accidents in local streets, whether as pedestrians or as passengers in cars.

Whitehorse City Council has purchased a mobile speed observation trailer, which will be moved around local streets in the municipality on a weekly basis. The trailer, like those in use by a number of other local councils, measures and displays to motorists their actual travelling speed.

The trailer also has a sign reminding motorists of the 50-kilometre-an-hour speed limit in local streets. I would like to point out that Whitehorse was a trendsetter in this area. It instituted the 50-kilometre-an-hour speed limit long before it was instituted across the state, and I was a member of the council when it did that.

I congratulate Whitehorse City Council on this road safety initiative, and I am sure that this type of local program, coupled with the government's rollout of reduced speed zones outside schools over the next 12 months, should greatly increase the safety of children travelling to and from school.

### **North-east Victoria: Tidy Towns awards**

**Hon. W. A. LOVELL** (North Eastern) — On Saturday 15 October I had the pleasure of attending the Keep Australia Beautiful Tidy Towns gala award night. I was very proud that a number of municipalities from the electorate that I represent took out the statewide prize or were regional winners in many of the categories. State awards won by the north-east were Local Government Group (Tidy Towns) by Indigo Way Services, Beechworth; Rural Proud Municipality by Wangaratta City Council; Proud Primary School (Rural City) by Appin Park Primary School, Wangaratta; Proud TAFE or University Campus (Rural City) by Goulburn Ovens TAFE, Wangaratta campus; Adopt a Spot (Rural City) by Audrey and Bill Davis, Wangaratta; and Commercial Industrial Spot by Merriwa Industries, Wangaratta. The media award for radio was won by 3NE/Edge FM Wangaratta; and the media award for television, by WIN TV Shepparton.

Regional winners and state finalists included: Rural Proud City, Wangaratta; Proud Primary School (Tidy Towns), Rutherglen Primary School; Proud Secondary

School (Tidy Towns), Mooroopna Secondary College; Don't Waste Australia Litter Abatement award by Cobram (Tidy Towns); and for a rural city by Scribblers Cafe, Wangaratta. The Ongoing Project (Tidy Towns) was won by Kidstown in Mooroopna, and by Typo Station, Wangaratta (Rural City).

The Outstanding Beautification or Heritage Preservation (Tidy Towns) award was won by Cobram cemetery. The Water Wise Resource Management (Tidy Towns) award was won by the Calico Bag Project, Beechworth, and the rural city award, by North East Health, Wangaratta. Congratulations to all winners for ensuring that our state remains a beautiful place, and that the north-east remains the most beautiful area of Victoria.

### **Ballarat show**

**Ms HADDEN** (Ballarat) — I rise to congratulate the Ballarat Agricultural and Pastoral Society for another very successful Ballarat Show held over 7, 8 and 9 November. This was the society's 147th annual show, and it showcased many wonderful feature events, including the Country Fire Authority firefighting competition, Robinson's Circus, the Country Living Expo and the Star Quest Spectacular Talent Quest.

There were the usual and much-loved country show events, including the woodchop, the home craft competitions, the showjumping and other horse events — and, of course, the much-loved show bag court. There were lots of animals on show, from budgerigars and alpacas to sheep and cattle. The family favourite was the animal nursery, which was this year managed throughout the duration of the show by students from the University of Ballarat. The 2003 Ballarat Show exceeded all expectations, with new features and sideshows, and a 20 per cent increase in takings, with an extra 30 000 people coming through the gates.

I extend a big thankyou to the show director, Gerard Ballinger, the committee and especially to the ladies committee, Topsy, Pat and Gwen, and to all the hardworking ladies and gents who made this year's show the huge success it was, especially with the innovative ideas that made this probably one of the best Ballarat shows ever.

### **Gippsland: hotel awards**

**Hon. PHILIP DAVIS** (Gippsland) — I had the pleasure last night of attending the Australian Hotels Association state awards for excellence at a leading restaurant and hotel in this state. There were

1200 people in attendance, and it was remarkable to see the hotels and hospitality industry celebrating achievements in that industry. I particularly mention that the event was hosted by none other than a former member of this place, Ian Cover, and by Bill Brownless.

In relation to awards in respect of Gippsland, Ian Cover made the point that it might be appropriate to mention the awards here through a member's statement, so I am taking his advice and recognising for the record that the Tinamba Hotel won the state award for best country pub without gaming and the Royal Exchange Hotel in Traralgon won the hotel care community service and achievement award for its contribution to the community by raising over \$61 000 this year for the Royal Children's Hospital appeal, which adds to the more than \$900 000 contributed over the years to that appeal. They are outstanding achievements for two great hotels in Gippsland.

### **Geelong: G21 strategic plan**

**Hon. J. H. EREN** (Geelong) — Last week I was pleased to attend the official launch of the G21 strategic plan that will see Geelong and surrounding regions move forward in the next 20 years. The catchcry for the project is 'Our region, your future'. The five municipalities involved — that is, Golden Plains, Greater Geelong, Queenscliffe, Surf Coast and Colac-Otway — have joined forces to prepare a strategic plan for the region.

These municipalities, with the support of local community and business organisations, are driving the G21 project. Ten pillars or common themes have been identified as foundations for the future prosperity and wellbeing of the region. The pillars provide a framework for planning purposes and define the terms of reference for a series of working groups which have been commissioned to consult and involve the public in drafting recommendations for the future direction of the region.

The five councils, together with the state and federal governments, have embarked on a project to devise and implement a strategic plan for future sustainable growth, development and wellbeing of the region. The state government is proud to support this initiative, which sees councils in my electorate working together for common goals. No longer do these municipalities see themselves as competing against each other.

Last week's event with the Minister for Regional Development in the other place, John Brumby, was the main launch, but there will be regional launches in each

of the municipalities. On Friday I will travel to Bannockburn to launch the G21 for the Golden Plains Shire. The state government recognises the need for a regional planning approach and has contributed significantly to the project.

### University of the Third Age: Port Phillip

**Mr SCHEFFER** (Monash) — On Saturday, 15 November, I had the great pleasure of attending the first public activity arranged by the new University of the Third Age in the City of Port Phillip. The lecture entitled ‘The Galileo Mission to Jupiter: What did we learn?’ was given by Monash University astrophysicist and mathematician, Dr Andrew Prentice.

The well-attended public lecture was organised by members of the Port Phillip Interim U3A committee, Ron and Joan Ashbolt, Lindsay Doig, Heather Wheat, Elizabeth and Hartmut Grieb, Barbara Denton, Lesley Greagg, Robin Joyce and Abram Zeleznikov. I congratulate them on their excellent work as well as on the efforts they are making on behalf of senior citizens in Port Phillip to establish the U3A itself.

As the deputy mayor, David Brand, remarked, Port Phillip residents have been uncharacteristically and inexplicably late in establishing what I think will be the 65<sup>th</sup> University of the Third Age in Victoria. I attended the first public meeting at the St Kilda Town Hall on 8 September, which was called by the City of Port Phillip’s older persons reference group, when those present agreed to proceed with the establishment of the U3A in the area.

Dr Prentice told the audience about his extensive research into the origin of the solar system and his restoration and development of Laplace’s hypothesis that planets originated from the gradual contraction of gaseous material emanating from the sun.

The lecture was a fitting start to the many stimulating experiences members of the new U3A Port Phillip can anticipate. I wish all concerned the very best of success.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 9*

**Ms ARGONDIZZO** (Templestowe) presented *Alert Digest No. 9 of 2003, together with appendices.*

**Laid on table.**

**Ordered to be printed.**

## PAPERS

### Laid on table by Clerk:

Alpine Resorts Co-ordinating Council — Minister for Environment’s report of receipt of the 2002–03 report.

Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2003.

Crown Land (Reserves) Act 1978 — Minister’s Order of 23 October 2003 giving approval for the granting of a licence at Watery Gully Creek Reserve.

Health Services Act 1988 — Report of Community Visitors for 2002–03.

Housing Guarantee Fund Ltd and Domestic Building (HIH) Indemnity Fund — Report, 2002–03.

Optometrists Registration Board — Minister for Health’s report of receipt for 2002–03.

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to planning schemes:

Ararat Planning Scheme — Amendment C5.

Bayside Planning Scheme — Amendment C34.

Boroondara Planning Scheme — Amendments C29 and 53.

Brimbank Planning Scheme — Amendment C57.

Dandenong — Greater Dandenong Planning Scheme — Amendment C24.

Frankston Planning Scheme — Amendment C27.

La Trobe Planning Scheme — Amendment C15.

Maroondah Planning Scheme — Amendments C16 and C35.

Melbourne Planning Scheme — Amendment C84.

Monash Planning Scheme — Amendment C31.

Moorabool Planning Scheme — Amendment C27.

Moreland Planning Scheme — Amendment C36.

Mornington Peninsula Planning Scheme — Amendment C45.

Shepparton — Greater Shepparton Planning Scheme — Amendment C25.

Wangaratta Planning Scheme — Amendment C11 (Part 2).

Wodonga Planning Scheme — Amendment C23.

Yarra Planning Scheme — Amendment C20.

Urban Growth Boundary — Notices of Approval of the following amendments to planning schemes:

Cardinia Planning Scheme — Amendment C55.  
 Casey Planning Scheme — Amendment C70.  
 Frankston Planning Scheme — Amendment C29.  
 Dandenong — Greater Dandenong Planning Scheme — Amendment C53.  
 Hume Planning Scheme — Amendment C48.  
 Kingston Planning Scheme — Amendment C38.  
 Knox Planning Scheme — Amendment C41.  
 Melton Planning Scheme — Amendment C41.  
 Mornington Peninsula Planning Scheme — Amendment C57.  
 Nillumbik Planning Scheme — Amendment C27.  
 Whittlesea Planning Scheme — Amendment C63.  
 Wyndham Planning Scheme — Amendment C62.  
 Yarra Ranges Planning Scheme — Amendment C36.

Public Employment Office — Report, 2002–03.

State Trustees Limited — Report, 2002–03 (two papers).

Statutory Rules under the following Acts of Parliament:

Associations Incorporation Act 1981 — No. 128.

Business Names Act 1962 — No. 127.

Country Fire Authority Act 1958 — No. 130.

Estate Agents Act 1980 — No. 126.

Evidence Act 1958 — No. 131.

Magistrates' Court Act 1989 — No. 132.

Metropolitan Fire Brigades Act 1958 — No. 129.

Motor Car Traders Act 1986 — No. 125.

Travel Agents Act 1986 — No. 124.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 124 to 132.

Victorian Relief Committee — Report, 2002–03.

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

Seafood Safety Act 2003 — Part 3 (except sections 9, 17 and 18) and section 60 — 13 November 2003; sections 9, 17, 18, 23, 27 to 58, 64(5) and 92 — 1 January 2004 (*Gazette No. G46, 13 November 2003*).

## EMERALD TOURIST RAILWAY (AMENDMENT) BILL

*Second reading*

**Debate resumed from 6 November; motion of  
Hon. M. R. THOMSON (Minister for Small Business).**

**Hon. ANDREA COOTE (Monash)** — I have pleasure in speaking on the Emerald Tourist Railway (Amendment) Bill, known colloquially as the Puffing Billy bill. The purpose of the bill is to:

... enable the Emerald Tourist Railway Board to lease vested Crown land for periods of up to 50 years with the approval of the minister, in order to facilitate the development, construction and management of tourist facilities associated with the Puffing Billy railway.

The Liberal Party supports the bill. I put on record my thanks to Peter Keague, Bernard Crosbie and other staff members of the minister's department who gave me a comprehensive and detailed analysis of the issues involved in the bill.

Many of us will be aware of Puffing Billy and where it is located. For members who are not familiar with it, the little train runs from Belgrave to Gembrook. Initially the railway from Belgrave to Cockatoo stations was in schedule 1 land and from Cockatoo to Gembrook was in schedule 2 land. That is important to understand at the outset of my contribution because the bill clarifies the position with these different schedules.

Originally the railway from Belgrave to Gembrook was not continuous, and I shall outline when in its history it became continuous. This is not a complicated bill, but nevertheless it is important. The legislation is designed to clarify the management of the land on which Puffing Billy operates — that is, schedule 1 and schedule 2 land.

I asked the department for an outline of what schedule 1 and schedule 2 land involved, and it is important to read the description into *Hansard* so that people are aware of exactly what we are talking about.

Firstly, I shall clarify the width of the corridor. The briefing notes state that:

The width of the Emerald tourist railway corridor varies, but is approximately 30 metres wide, depending on its location along the track. Some land parcels associated with railway stations are wider than this due to their specific site characteristics.

There is an anomaly at places like Menzies Creek — I encourage members to go and see Menzies Creek because it is a quaint and attractive tourist site —

because the museum is on schedule 1 land and the lavatory complex is on schedule 2 land. Menzies Creek is a tiny place, so the complication of dealing with two schedules is cumbersome and unwieldy.

I return to the description of the land titles that the department gave me, which states:

Schedule 1 land: this refers to land listed in schedule 1 of the Emerald Tourist Railway Act generally between Belgrave and Lakeside and associated parcels where the land is vested in the Emerald Tourist Railway Board ...

The number of land titles is 33 and the number of parcels of land is 76:

Schedule 2 land. This refers to land listed in schedule 2 of the Emerald Tourist Railway Act generally between Lakeside and Gembrook. This land is Crown land where the ETRB is the committee of management.

The number of land titles is 14 and the number of parcels is 22. There are small areas which are cumbersome to deal with but which the bill clarifies and tidies up. That will help management administer the railway and its vicinity in a more comprehensive and straightforward way.

The other necessary incorporation in the bill is a strengthening of the board positions to enable the whole operation to act on a more professional basis. I spoke with board members and the chief executive officer of the Emerald tourist railway, who said that they are extremely supportive of and welcome the bill.

I shall give a brief outline of Puffing Billy because it is dear to all our hearts, and as Shadow Minister for Tourism it is important that I put that on the record, because we can frequently take it for granted. We know it is there, and many of us enjoyed it over the years as children, then with our children and indeed with our grandchildren, but we do not often know its history.

It is the oldest steam railway in Australia, and one of the finest preserved steam railways. Puffing Billy was the last of the experimental narrow gauge railway lines built in the 1900s. The heritage web page states:

Victoria Railways architects designed the line and the board of lands and works construction branch employed 180 men for a period of 16 months, many of them local timber workers, as labour. One of the features of the construction of the railway, and in particular the trestle bridge, was the use of construction methods which utilised native bush timbers. These were not in ready supply at that time as the area had been devastated by bushfire in 1898. The narrow gauge line supplied local people with goods and services on a regular basis and provided reliable access to markets for local industries, as well as revitalising the tourist industry in the picturesque hills.

In 1954 the narrow gauge line was closed and in 1958 management of the line was handed over to the Puffing Billy Preservation Society.

In 1899 the Ferntree Gully–Gembrook line was constructed; then the trestle bridge had a heritage rating; in 1954 the narrow gauge line closed; in 1958 the management of the line was handed over to the Puffing Billy Preservation Society; in 1965 the Puffing Billy train service opened as a tourist concern; and in 1977 the ownership of the Puffing Billy Preservation Society was handed over to the tourist railway board.

Under the excellent Kennett government Puffing Billy was again recognised as a tourist attraction that we know and love today because it had been left in abeyance for some time, but the Kennett government put it under the spotlight and gave it the attention it needed.

The first Kennett government put \$500 000 into restoring the bridge work. The second Kennett government, under former tourism minister Asher, put \$500 000 into rebuilding the line between Belgrave and Gembrook, thus reinstating a continuous line between those stations. I mentioned earlier that the line had not been continuous, and it was restored under the second Kennett government. Minister Asher recognised the land tenure issues and that the board needed strengthening and a more professional approach.

We have to remember that for a lot of its life Puffing Billy has been aided and abetted by excellent volunteers, people who have been attracted to Puffing Billy's steam locomotion, narrow gauge and history. Throughout the state — and indeed nationally and internationally — a huge number of people are interested in and absolutely committed to small railways of this kind. Because it is such a pure example of its era, it is especially interesting for railway buffs of all sorts. Those volunteers kept the interest and dynamism going when Puffing Billy was not given the support it perhaps needed from government. It is very pleasing to see that today the volunteers are still being recognised for the work they have done and are encouraged to be a continuous part of the whole process.

I encourage members who have not visited Puffing Billy recently to do so. The area is charming and lovely. It is a credit to the volunteers who have kept it up to scratch to such a degree. You can see the loving and careful restoration work throughout that very picturesque trip.

The government has recognised the tourism opportunities today in enhancing this railway and

building it into the whole of the tourist operations in Victoria. When I visited Puffing Billy it was apparent that it could become a focus for international visitors on bus trips. I have some sympathy for these people. They fly into Melbourne, frequently from Japan and arrive at their hotels for a short time to settle in before being driven around Melbourne in a bus. Then they go to Puffing Billy and have a quick train trip. They are then off again in the bus through the hills down to Phillip Island, where they have a look at the penguins. I would imagine they sleep all the way home! The next day they are sent down to the Twelve Apostles. After this long day they travel back on the bus and back onto the plane that night for a visit to Ayers Rock and then on to the Great Barrier Reef.

Puffing Billy has its place alongside Ayers Rock and the Great Barrier Reef as well as other tourist attractions throughout Victoria. It is important that because of careful management and a professional approach to tourism these international tourists will have an opportunity to see Puffing Billy, a first-rate, world best practice little railway line, to its best advantage.

Because of Puffing Billy's location, international visitors to Victoria can also go on a trip to the Yarra Valley. It is a very good place to enjoy excellent wine and lunch. I put on the record my praise for the excellent advertisement Tourism Victoria put in place called 'Run, rabbit, run', which is being screened throughout New South Wales. I think it has a cult following. The idea is that it will bring a number of tourists to Victoria. Because of the time lag, it will take some time to see how the advertisements are translated into real bed and visitor numbers. I hope the tourists start pouring into the Yarra Valley, because there is so much to see and do there. It is an excellent advertisement, and it has been very well received. Puffing Billy has its role in tourism for the Yarra Valley. People can go in the morning to Puffing Billy with the children and then to the Yarra Valley.

The bill will provide businesses and franchises with security so that they can build up a proper business after several years. The bill allows people to go into long-term leases and to have security of tenure. It provides a far better opportunity for long-term businesses.

I shall give some examples of what happened under the excellent Kennett government — for example, the issues at Werribee Park mansion. It was a wonderful icon and a great tourist attraction. However, it needed a hook — something that would attract a number of visitors to spend more time at the equestrian centre, the

mansion house and the zoo. A proposal was put to build a hotel there. I commend the Werribee Mansion Hotel on winning an award at the recent tourism awards. It did an excellent job in winning an award for luxury and superior accommodation. I put on the record my congratulations to all those involved in running such an excellent facility.

The developers were not prepared to build a hotel if they had a tenure of only a few years. That commercial decision would have long-term economic ramifications, and they did not want to go in for just a 20-year stint. They needed some security and were given greater long-term lease certainty. The introduction of this bill will provide other people with security along the Puffing Billy line in the future. People will be able to look at a small business and develop it and be assured that it will be given tenure into the future with an opportunity to provide very good added value to the Puffing Billy precinct.

Another issue faced by the Kennett government was the number of leases at Albert Park before the grand prix. They were done on a handshake, a wink and a nod. It was very difficult to amalgamate all these smaller groups into a cohesive group that benefited from the Albert Park facility. There are now 47 sporting clubs at Albert Park with security of tenure. They operate with Parks Victoria and know exactly where they stand.

I hope that in the future, with the bill being brought in by the government and supported by the Liberal Party, some excellent businesses will be developed to enhance the area all along the Puffing Billy line. One of the Yarra Valley wineries might set up an outlet or something else that leads to the establishment of an excellent cafe. A range of areas could be looked into, and people can go into business knowing that it will enhance Victoria's tourism and that they have some security of tenure.

One of the matters I forgot to talk about is the history of the trestle bridge. I put on the record the history of this very important feature. The information is taken from the Department of Infrastructure web site. It states:

... The rail bridge over Monbulk Creek, Selby, is a curved, timber trestle bridge carrying a single narrow gauge track which spans the Monbulk Creek and the Belgrave–Emerald road. A viewing bay has been constructed for tourists, off Belgrave–Emerald road. The bridge is 85 metres long, 12 metres high at its highest point and comprises 14 spans of 6 metres, curved to a radius of 20 metres. The bridge has a tight 3-chain curvature. It was constructed from local native bush timbers. The bridge has undergone progressive replacement of damaged timbers. Major structural repair and conservation works were carried out in 1983 and 1988 ... The rail bridge over Monbulk Creek is of historical importance for its association with the construction of narrow gauge railway

lines in Victoria. During the 1890s depression broad gauge railway line construction was not considered economically viable and the Parliamentary Standing Committee on Railways in 1896 considered alternative railway construction techniques. Following the committee's recommendations, four narrow gauge rail lines were built in Victoria between 1899 and 1916.

As I said, the bridge is of great significance. People should go and have a look at the bridge and appreciate it for the skills of the time. It is important for us to remember that.

But I would like to say that not everything is happy and glorious at Puffing Billy. We have to go to the Emerald Tourist Railway Board's annual report for 2003. If we have a look at the annual patronage from 1962 to 2003 it is interesting to see how the graph shows clearly what has been happening. My concern is for the last four years. So that members are aware of what we are talking about in a number sense, in 1962–63 there were 108 841 visitors — the Belgrave–Menzies Creek line was reopened in July 1962 — and if we look at the figures for 1991–92, which was the beginning of the Kennett era, we see there were 241 401 visitors, so we were starting to see an increase in the visitation to and popularity of Puffing Billy.

However, the visitation numbers have not grown very much, because in 2000–01 there were 256 091 visitors, but the concerning part is that in 2002–03 the visitation numbers actually went down — back again into the vicinity of the 1991 numbers with 244 851 visitors. I am very concerned that this trend is happening, and I am hoping that with the certainty this bill brings that the board and the chief executive officer can address this issue. Perhaps there will be better businesses and facilities and the visitation numbers will increase. I am concerned that there has not been significant growth over the last four or five years.

There is a great opportunity for Puffing Billy with its location between the Yarra Valley on the one hand and the Phillip Island penguins on the other, to become a key focus for international, interstate and intrastate tourism. It is a great pity to see that the numbers have gone down. I will be watching these numbers very carefully. I am looking forward to seeing what they will be next year; I do hope they will increase significantly.

The volunteers have done an excellent job. It is important to put on the record what is said about recognising the great contribution that volunteers have made. The annual report states:

The railway is indebted to its unpaid volunteer work force, mostly drawn from the membership of the Puffing Billy Preservation Society. Guards, conductors, engine cleaners and

firemen, as well as stationmasters, booking clerks, signalmen and refreshment personnel are all volunteers. Some locomotive drivers, track workers, locomotive and rolling stock restorers, administrative and other support personnel ... deliver much of the training.

It is also volunteers who are prepared to do most of the rosters and design that training. The report continues:

The railway could not survive without the continued enthusiastic contribution of about 540 volunteers who worked on the railway during 2002–03.

That is absolutely commendable, and I sincerely hope that the volunteers are encouraged by this bill and the focus it has been given in a bipartisan sense, and that they realise all Victorians enjoy Puffing Billy and want to see it continue to be a very important part of tourism in this state.

I will read from the mission statement:

To restore and operate the Puffing Billy railway as Australia's premier heritage steam railway, in a safe, efficient and economically sustainable manner, for the ongoing benefit and satisfaction of the community and of the railway work force, both volunteers and staff.

In conclusion I would like to say that this is a beginning. This bill establishes a framework for certainty, which we all in this chamber welcome, and it begins to enable a higher professional standard in international tourism. But I say to the Bracks government that it should not rest here; it is imperative that we assist both professionally and financially to ensure that this Victorian treasure can be a prime tourist attraction for this state and to protect an icon for which all generations of Victorians have a very special affection. I have pleasure in supporting the bill.

**Hon. B. W. BISHOP** (North Western) — On behalf of the National Party I am pleased to rise and speak on the Emerald Tourist Railway (Amendment) Bill. When I looked at the bill I first thought of nicknames. It did not mean as much to me when I read the title of the bill, but when you say 'Puffing Billy' everyone understands what it is. It is important to retain the local names that spring up over time.

Mrs Coote spoke very well on the bill and on the tourism industry, which is very important to this state. When I went through the annual report in doing a bit of research an issue that arose was how we can retain the history we have in this country. I was reminded of that on Sunday when I went out to Werrimull to launch a book for Irene and Jim Douglas. It is a wonderful little book; it has 75 photographs with a description against each one. It contains the history of the Douglas's farm from 1925, when Jim's father selected it, until today. It

is very important that we try to retain the history that is so rich in this country of ours.

I know my family is probably at fault there. My mother was quite a strong historian and told me about a lot of things, but I never had the good sense to record her. Obviously I have remembered some of it, and just as obviously my children will remember even less of it, and it will be gone. It is very important that we retain an account of our history. The annual report which has just been produced does that very well.

There is no doubt that Puffing Billy, as it is better known, has entertained thousands of people, whether they be domestic or international tourists, or people who live close to the railway line. You could say without question that Puffing Billy is unique. There are not many railways lines now where you can get on a train and get soot in your eye. Most young people who have ridden on Puffing Billy have ended up with soot in their eyes, but this is part of the experience of travelling on such a railway.

We have a lot of static displays of our history, but it is very important to note in our historical processes in this state and around Australia that this is a working railway.

I have already said that I was very pleased to pick up the annual report for 2003, which has just been delivered to Parliament, and as a previous speaker said, noted that the railway got going in 1962–63. That is a fair while ago — in fact, over 40 years ago. In that year almost 109 000 people travelled on Puffing Billy and, as has already been noted, the best year for patronage was 2001–02, when almost 260 000 people took advantage of the opportunity to ride on Puffing Billy. It was interesting to note on the top of page 1 in the annual report that that figure is the second-largest number of passengers for any tourist railway in the world. That is quite a record for Victoria, and we should be proud of that.

At the risk of repeating what other speakers have said, I want to recognise the volunteers who have made Puffing Billy possible, not only originally but in maintaining it over the years it has been operating. They certainly deserve recognition, and I would like to read into my contribution to the debate the part of the annual report relating to those volunteers. It says:

The railway is indebted to its unpaid volunteer work force, mostly drawn from the membership of the Puffing Billy Preservation Society. Guards, conductors, engine cleaners and firemen, as well as station masters, booking clerks, signalmen, and refreshment personnel are all volunteers. Some locomotive drivers, track workers, locomotive and rolling stock restorers, administrative and other support

personnel are also volunteers. Volunteers also prepare most of the rosters and design and deliver much of the training. The railway could not survive without the continued enthusiastic contribution of about 540 volunteers who worked on the railway during 2002–03.

The volunteers are coordinated and supported by a small number of dedicated staff who provide core services in administration, marketing, asset maintenance and locomotive driving.

It is great to see that in there. I read in the course of my research that there has been a huge contribution in the volunteer area. I also read that there were 66 men or women years dedicated to Puffing Billy. That is tremendous. I also read somewhere that that was estimated to be worth \$3.3 million — quite a significant figure.

The mission statement has been read to the house recently, so I will not read it out again. When I looked at the map I thought the length of the track was not very long — I thought it was 24 kilometres in length. But when I read through the annual report I saw there is a fair bit of history relating to it, because a note in the report says:

Belgrave–Menzies Creek reopened, July 1962.

That was the first leg. Then it says:

Menzies Creek–Emerald reopened, July 1965.

That was the next leg. Then it says that the Emerald—Lakeside section was reopened in October 1975. It says about the last leg:

Lakeside–Gembrook reopened, October 1998.

They are wonderful names, and it was a great achievement — something that should be well and truly supported by all Victorians during Puffing Billy's operation, and I am sure it will be.

I had another look at the numbers in relation to the operation of Puffing Billy, and they are certainly not small. Net assets were about \$23 million; annual revenue was \$5.2 million — it is quite a big operation when you look at it that way. It has 1550 paying trips per year, catering for around 250 000 passengers. It is quite a big business in anyone's language.

Puffing Billy is no different to any other organisation, and this bill recognises that it must plan for the future. In this respect I note that the organisation has a 10-year plan. It needs to be well done, and it needs to be in place to ensure that the railway will be as self-sustaining as possible into the future.

From the briefings provided it is my understanding that the board of Puffing Billy is keen to move forward and develop the railway much more than it has been in the past. Obviously, the facilities you see in other tourist attractions in many parts of the world such as interpretive centres, cafes, restaurants and tourist accommodation would no doubt be things the board is considering to make the railway more attractive, draw more visitors and generate more revenue to ensure the sustainability of the railway into the future.

The bill talks about leases over vested Crown land. We need to go to clause 4, firstly, to get a clear line of what this bill does which is to clarify and update the purposes for which the board can grant leases. These include the development, construction and management of tourist facilities, which was briefly mentioned just a few moments ago.

Clause 5 is the crux of the bill and allows the board to grant leases of vested Crown land for a period of up to 50 years. Leases exceeding 21 years cannot be granted by the board unless approved by the minister. This provides some degree of control over what the board can do. These are quite generous provisions but quite understandable and reasonable as the organisation of Puffing Billy railway grows into the future.

Certainly people would not be enthusiastic about investing in those facilities unless they had strong security of tenure. I think back to many years past when a number of us tried to negotiate longer leases for some of our lease country in the northern part of the state. We tried very hard, as did a past member in the other house, Stephen McArthur, to extend the leases but unfortunately that was not possible. If they had been able to enjoy the security of tenure proposed in this bill, they would be in a much better position than they are now in relation to leased land at Hattah in the north-west of the state.

All in all the National Party has absolutely no problem with this bill. It has our support, and we wish Puffing Billy, its loyal staff and particularly its volunteers all the best in the years to come so that it may provide enjoyment for many domestic and international travellers for many years to come.

**Hon. C. D. HIRSH** (Silvan) — I rise with great pleasure to speak about the Emerald Tourist Railway Board bill. A small part of the railway runs through the electorate of Silvan in the Dandenong Ranges, starting at Belgrave, going through to Emerald and now to Menzies Creek. I recently took a couple of grandchildren on the run through to Menzies Creek. I had not previously been through the extension. It is a

great ride. I do not know if anyone has ever had dinner on the Puffing Billy. It is a very enjoyable experience having the entree on the train and then getting off and having the main course in the shed. It was beautifully cooked food.

**An Honourable Member** — What did you have to eat?

**Hon. C. D. HIRSH** — I cannot remember, but it was nice.

**An Honourable Member** — Sort of a miniature *Ghan* was it?

**Hon. C. D. HIRSH** — Something like that. It was a very pleasurable evening. The Emerald Tourist Railway Board has shown great innovation in marketing the Puffing Billy to tourists, and there are approximately 260 000 passengers each year. Around 35 000 passengers are international visitors.

The first speaker, the Honourable Andrea Coote, spoke about the ability of an overseas tourist to visit the penguins, Puffing Billy and the Yarra Valley. What a great tourist experience in Victoria. One of the issues is that Puffing Billy runs at quite a significant loss. It needs extra resources to build up its tourist potential.

One of the issues also referred to by Mrs Coote was that fewer people have used Puffing Billy in the last couple of years. With the recent terrorism events and severe acute respiratory syndrome there has been a decrease in international tourism, and it is timely for the government to indicate its support for tourism and to facilitate the reforms that allow the Emerald Tourist Railway Board to increase the facilities available.

The increase in the length of the lease, from 21 to 50 years, will enable lessees to offer overnight accommodation which has not been viable to date. This will be a great advantage especially for international tourists, because they will be able to have a bit of a kip between the penguins and the wineries. Being able to spend the night somewhere along the railway line will be great. That is one of the prospects the board has in mind.

Going back in history, my very new family and I moved to the Dandenongs at the time Puffing Billy was reopening as a tourist venture. It was then run totally by volunteers, and train buffs from all over Australia would come down — and they still do — to work on the trains, visit the area and so on.

I remember taking my very young children on a trip soon after we moved there. The children would sit on

the rail — as people who have been there would know — with their legs dangling outside the train, and someone also mentioned that you cannot take a trip without getting soot in your eyes, which is true. I can remember holding the corner of a handkerchief and getting soot out of everyone's eyes on every trip over many years.

**Hon. G. K. Rich-Phillips** — What year was that?

**Hon. C. D. HIRSH** — I can remember the event, but how can I be expected to remember when?

**Hon. G. K. Rich-Phillips** — Was it in 1908?

**Hon. C. D. HIRSH** — No, but my granddaughter said, 'Were you around during the Napoleonic wars?'. I replied, 'No, I wasn't quite born then. Soon after, but not that long after'. I remember a fair bit, but as time goes on the detail begins to escape me. Please do not ask such specific questions. I do remember a handkerchief and removing soot from the eyes of small children.

During the school holidays cousins would come, and of course they would have a wonderful trip on the train as well. I have an etching done during the last year of the train's commercial operation. It shows part of the line from Ferntree Gully to Belgrave. I have not looked at it recently. It is sitting in one of the rooms in my house, but you know how you get used to things and do not look at them all the time.

Going over the trestle bridge has always been an exciting thing for young people in particular. The cameras click, and no doubt there are many photos around the world of people going around the trestle bridge on Puffing Billy. You can see the carriages going around the curve. It is a very beautiful area and very worth while.

In recent years another innovation has been Thomas the Tank Engine for young children. Just about all kids know and love Thomas, and Thomas runs some weekends. Thomas had a weekend just recently with a barbecue lunch and rides for all the very young children. My granddaughter, who is a Thomas fan, had an interesting ride.

**Hon. Andrea Coote** — Did she race the train?

**Hon. C. D. HIRSH** — My granddaughter didn't race against the train, because she is only four. I don't think it would have worked. She would have ended up howling!

The future security for Puffing Billy should be assured by the increase to 50 years for leases of vested Crown land. A recent funding commitment of \$1.7 million was announced by the state government through the Community Support Fund. This will also be of great benefit to the Emerald Tourist Railway Board.

The Puffing Billy Preservation Society is to be congratulated on its volunteer work over many, many years. That group got the railway started again as a tourist attraction after it sat there, due to its commercial operation closing. Society members are to be congratulated for their years of dedicated work and years of effort not only on the railway but in clearing the land along the line and keeping the weeds down. I have been involved with a number of projects over the years where we have done weeding along the line in groups to keep the weeds controlled.

The bill does not expand the powers of the board, and a person who wants to lease land to develop a tourist facility along the course of the line will still be subject to normal, regular planning laws, so there should not be any problems with environmental issues or with other issues that might concern local residents. The locals will be quite pleased to have extra tourism in their area, particularly overnight tourism which will bring resources in terms of money and spending right through the Dandenong Ranges and out to Gembrook.

The bill requested by the board is a very useful one for the area. In closing, I commend the bill very strongly to the house as well as commending to all honourable members as soon as possible a trip on Puffing Billy.

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I am pleased to speak this afternoon on the bill. Probably the greatest challenge facing tourism in Victoria is our lack of natural tourism product. If you travel around the world and visit cities like London, New York, Paris or Vienna, they all have tourism product which is world renown and which you will see on the tourism brochures. In Paris it is the Eiffel Tower; in London it is the Houses of Parliament or Buckingham Palace; and in New York it is Times Square and so on.

But Victoria lacks the sort of tourism product that has world recognition. Australia is a relatively young country in terms of settlement with little in terms of built tourism infrastructure. But that is compensated for by natural tourism infrastructure such as in Queensland — the Great Barrier Reef; in the Northern Territory — Ayres Rock; and in New South Wales — Sydney Harbour. Of course New South Wales is

supplemented by built tourism product such as the Sydney Harbour Bridge and the Opera House.

When you come to Victoria you realise that we do not have the natural tourism product. Mr Theophanous made a point earlier about the Great Ocean Road, and I support him in saying it is tourism product, but is it world renowned? Not really. Is it the sort of tourism infrastructure you will see on a brochure in the same way as you see the Eiffel Tower or Buckingham Palace? No it is not.

We also lack built, tourism infrastructure. Tourism Victoria has a very important role to play in the development of tourism infrastructure for the state. It is ironic that one of the most important functions Tourism Victoria can have — the encouragement, facilitation and development of tourist infrastructure — is done by the smallest unit within Tourism Victoria.

I note that notwithstanding the small size of the infrastructure development unit within Tourism Victoria, you could argue that it does punch above its weight. I see from last year's annual report of Tourism Victoria that the agency facilitated a little over half a billion dollars worth of tourism infrastructure, either public or private, here in Victoria. It is a credit that that has been achieved in the current environment.

It is work that needs to continue, because notwithstanding the Great Ocean Road or perhaps the penguins at Phillip Island there is not a lot of natural tourism infrastructure here in Victoria.

**Hon. Andrea Coote** — The Ten Apostles!

**Hon. G. K. RICH-PHILLIPS** — The Deputy Leader of the Opposition points out that we now have only the Ten Apostles given the recent activities of the Minister for Energy Industries!

**Hon. T. C. Theophanous** — Are you having a shot at me?

**Hon. G. K. RICH-PHILLIPS** — Just a slight aside, Mr Theophanous.

We do not have substantial natural tourism infrastructure here in the state, which is why the built infrastructure, such as Puffing Billy and its operator, the Emerald Tourist Railway Board (ETRB), are so important. Puffing Billy has become an icon of the tourism industry in Victoria. As the Deputy Leader of the Opposition said, the Liberal Party will be supporting this latest amendment to the principal act, which will provide it with new powers with respect to

leases on Crown land and expand the purpose for which the board exists.

While I do not want to go back over the history of the board and Puffing Billy in any great depth, because it has been canvassed well by previous speakers, I do note that the ETRB was established in 1977 by the Hamer government, which was a very progressive government for that time, and that support for the ETRB was continued by the Kennett government, as the Deputy Leader of the Opposition has said. This latest amendment is also supported by the Liberal Party.

It is important to note the approach the government is taking with respect to the provision, which gives the ETRB power to lease land and grant leases on Crown land under the act, because it is in considerable contrast to the government's previous approach to tourism infrastructure on Crown land. Last year the Deputy Leader of the Opposition, the Honourable Andrea Coote, the Honourable Chris Strong and I, together with two government ministers, Mr Jennings and Mr Theophanous, were appointed by this chamber to participate in a select committee inquiry into the Seal Rocks project.

Seal Rocks is an example of the government not supporting tourism infrastructure being developed on Crown land. In fact the Bracks government was implacably opposed to that development at Phillip Island and did everything it could to ensure that it fell over. The development was frustrated at every step by this government, particularly by the then Minister for Environment and Conservation, and as a consequence a fantastic tourism opportunity that had been constructed at Phillip Island no longer exists.

We no longer have that tourism product in the tourism infrastructure portfolio, and it was solely through the actions of this government that that occurred. It was solely through the opposition of Sherryl Garbutt, who was the then minister, and of the then member for Gippsland West, the not-lamented Susan Davies, that the project was impeded, with the Bracks government using the excuse of opposing development on Crown land; and it ultimately collapsed. Subsequent to the collapse of Seal Rocks the government has been found to be wanting in its actions with respect to that project, and the taxpayers of Victoria have had to pay many millions of dollars to the developers. This government breached the contracts it had with the operators of Seal Rocks and frustrated the project, which led to its ultimate collapse.

**Hon. T. C. Theophanous** — On a point of order, Acting President, it is very interesting to hear the

member recount the witch-hunt undertaken by the opposition in relation to Seal Rocks, and its attempt to justify a set of decisions that went bad in relation to that project, but that has nothing to do with the bill at hand. The issue of Seal Rocks was extensively debated in this house, and decisions were made in that regard. It has nothing to do with this particular bill. I ask you, Acting President, to bring the member back to the bill.

**Hon. G. K. RICH-PHILLIPS** — On the point of order, Acting President, I assume by his rambling statement the minister was trying to raise the question of relevance. The relevance is that this bill concerns tourism infrastructure on Crown land, and that is the issue I am discussing.

**The ACTING PRESIDENT (Ms Hadden)** — Order! The member has made his point, and I ask him to get back to the bill.

**Hon. G. K. RICH-PHILLIPS** — I welcome the feeble point of order raised by the minister on the other side.

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

**Hon. G. K. RICH-PHILLIPS** — It is interesting to hear the interjection from the minister about who messed up Seal Rocks. We all remember who the independent arbiter found was at fault, and we all remember which government had to make the payout to the developers. It was not the previous government; it was the Bracks government. It was the Bracks government that frustrated those contracts, frustrated the developer and had to make a payout as a consequence. It has cost Victorian taxpayers in terms of both the payout the government had to make and the lost tourism product. So it is absolutely farcical for the minister to suggest it was anyone's fault other than the Bracks government and the former minister, Sherryl Garbutt.

The bill before the house demonstrates the hypocrisy that the government is increasingly demonstrating with policy approaches. It is quite clear from this bill that the government is supporting the development of tourism infrastructure on Crown land and is supporting the lease and sublease of Crown land by the Emerald Tourist Railway Board.

The opposition is quite happy to support this, as it was quite happy to support the Seal Rocks development. The difference is that the government refused to support Seal Rocks. The government needed to do a favour for the former member of the other place, Susan Davies, so the government opposed Seal Rocks. The situation with Seal Rocks and the situation with Puffing

Billy — the use of Crown land for tourism infrastructure — are identical, yet one has the support of the government and the other did not, and the only difference was Susan Davies. So it is an exercise in gross hypocrisy for the government to come in here with this legislation and pretend to support tourism infrastructure on Crown land when previously it did not.

But putting that aside, the opposition supports the intention of this legislation, both in the powers with respect to leases and also with respect to the expansion of the purpose of the ETRB. I particularly welcome the new amendments to the purpose of the principal act, which now allow the board to engage in the development, construction and management of tourist facilities. There is no doubt that a product like Puffing Billy needs to develop and evolve, to continue to be relevant in the portfolio of tourism product in the state. Whether that is through, as Ms Hirsh suggested, the addition of accommodation or restaurant facilities, the product needs to be reviewed and needs to have capital expended to keep it fresh and relevant, because any tourism product infrastructure which does not go through a periodic renewal process will cease to have attraction as a tourism icon.

It is important that Puffing Billy has that renewal process, has capital invested and has an expansion of facilities, so I welcome the expansion of the purposes of the board which will be achieved through this legislation.

In closing, I reiterate that the Liberal Party supports this legislation very strongly, but in doing so I note the hypocrisy that the government is demonstrating in bringing this legislation forward.

**Mr SOMYUREK** (Eumemmerring) — I am pleased to rise to speak on the Emerald Tourist Railway (Amendment) Bill 2003. This is a narrow piece of legislation, its main purpose being to allow the Emerald Tourist Railway Board to lease vested Crown land for periods of up to 50 years with the approval of the minister to facilitate the development, construction and management of the tourist facilities.

It is also important to note that this bill does not expand the powers of the board, but clarifies and updates the board's functions to specify the development and management of tourist facilities consistent with the operation of Puffing Billy as a major tourist attraction.

It is also worth delineating the functions of the Emerald Tourist Railway Board. The board is responsible for the preservation, development, promotion, operation and

maintenance of the Puffing Billy heritage tourism railway and in particular its maintenance and development as a major tourist attraction.

Tourism, as mentioned by previous speakers, employs around 150 000 Victorians and is critical to the Victorian economy. Recently the drought, airline collapses and terrorist incidents have caused difficult times for the tourist industry. The Bracks government has seen this hardship and worked to alleviate it.

This bill is another part of this government's assistance, along with its continued aggressive marketing of Victoria. The potential for future growth in tourism across our state is massive, and one of our most significant tourist attractions is the Puffing Billy railway, which is located in Eumemmerring Province.

**Hon. A. P. Olexander** — And Silvan.

**Mr SOMYUREK** — And Silvan Province, too. It operates tourist railway services from Belgrave to Gembrook. Puffing Billy is obviously a key tourism icon for Victoria and is of statewide significance in economic terms, attracting over 250 000 visitors every year. However, despite a general increase in visitation the railway is facing considerable long-term challenges. We are seeking to address these challenges in order to maintain its viability and strengthen the railway's capacity to be self-sustaining.

This government has committed over \$1.7 million to Puffing Billy for long-term capital infrastructure, and while this assistance is important, the added bonus is that by facilitating further development opportunities we will help the railway to become increasingly self-sufficient and reduce its reliance on government funding.

This year's annual report indicates that Puffing Billy had 244 000 passengers, of whom 35 000 were overseas visitors. An analysis of the regional tourism market for the year ending 2001 shows 530 000 overnight domestic visitors and a very high ratio of domestic day trippers. The region is eleventh highest in regional overnight stays but the sixth highest in day trippers. Since 1988 there has been continued growth in the number of overseas day trippers as well, and it is up to about 231 000 right now. The value in the region for tourism was estimated at \$107 million. However, anyone who has lived in or visited the area knows that this is priceless.

Currently the board is unable to offer leases over vested Crown land for terms longer than 21 years, the maximum period prescribed by the Crown Land (Reserves) Act 1978. I am informed that given the level

of investment required for the development and maintenance of tourist facilities, a lease period of 21 years will not offer potential investors adequate security of tenure.

The bill before the house amends the Emerald Tourist Railway Act to allow the board to grant leases of up to 50 years over vested Crown land. A caveat on this power is that leases exceeding 21 years will be required to be approved by the minister before being granted by the board.

The amendments proposed under this bill are completely consistent with the spirit and intention of the Emerald Tourist Railway Act. The act recognises the importance of Puffing Billy as a major tourist attraction, and with this bill we are aiming to strengthen the future of the Puffing Billy railway. I commend this bill to the house.

**Hon. A. P. OLEXANDER** (Silvan) — I too take very great pleasure in rising to support this bill. It is a very sensible and sound bill which provides a great deal more certainty to what is one of Victoria's premier natural and built pieces of tourist infrastructure and something that we in the outer eastern suburbs are very proud of and cherish very much.

This bill obviously amends the Emerald Tourist Railway Act, and the changes within the bill allow the board to grant leases of up to 50 years over vested Crown land. That in itself is a very important initiative to have taken given that certainty over the leasing of Crown land and certainty for investors, in particular, has been lacking for some time in this piece of infrastructure, and we welcome its advent in this bill.

The changes that are contained here ensure that leases which exceed 21 years will be required to be approved by the minister before being granted by the board, which seems to be a fairly sensible measure to take. So anything longer than a 21-year lease would receive added scrutiny from the government, and we see that as appropriate. But the main purpose obviously of this bill — —

**Hon. T. C. Theophanous** — When were you last on Puffing Billy?

**Hon. A. P. OLEXANDER** — I will get to that, Mr Theophanous. Actually I do have a personal trip down memory lane, which I would be very happy to take you on, but not just yet. I would just like to dispose of some of the technical details first.

*Honourable members interjecting.*

**Hon. A. P. OLEXANDER** — You will be very sorry you asked that! The main purpose is to facilitate the further development, management and construction of this very valuable tourist facility in and around the Puffing Billy site.

We on the opposition side are very happy to support this bill because we believe that with infrastructure like the Puffing Billy there is a very important place for bipartisanship in this chamber and in this place. That is because in the previous Liberal government, the Kennett government, we put a lot of effort and time into supporting the development of the Puffing Billy infrastructure. Opposition members are very proud of that, and we note that at that time it received bipartisan support within the Parliament, so that support is returned today in this government initiative.

Just to recap a few of the pieces of history around the development of this line as it has involved government, from 1992 to 1996 the first Kennett government put half a million dollars into restoring the fairly dilapidated bridge which existed at the site. This was a major feat because, as my colleague Mrs Coote has already pointed out, that trestle bridge is of extreme historic and architectural significance. It is one of the few — in fact I think it is the only — operating trestle bridge in Victoria. It was a difficult and challenging thing to restore that bridge while preserving its historical attributes, but that was achieved very well both to the satisfaction of the engineers and in light of the heritage concerns which surrounded its restoration. That was certainly half a million dollars well spent between 1992 and 1996.

The second Kennett government, under then Minister for Tourism, Louise Asher, put another half a million dollars into rebuilding a line between Belgrave and Gembrook and reinstating that as a continuous line. Obviously before then it was not a continuous line, and this was a major drawback to the viability of Puffing Billy as a major tourist destination. Today's line, the 24-kilometre line, provides a prolonged and very pleasant experience for hundreds of thousands of tourists from around the state and from international destinations. That was another half a million dollars very well spent.

There were also land tenure issues in and around the site of the line which the Kennett government recognised. At the Menzies Creek station, for example, the museum is on schedule 1 land and the toilet blocks and other convenience infrastructure in the works area are on schedule 2 land. Opposition members are happy to see that this is going to be rectified.

In supporting this initiative opposition members recognise that the Emerald tourist railway is basically a heritage tourism company which has its basis in a very dedicated and active volunteer base. There are literally hundreds and hundreds of men, women and children who get involved on a regular basis in improvements to the site and in maintaining the site. They get involved in engineering and maintenance works with the engines and in restoration work. It is amazing to see. I have toured the site a couple of times.

**Hon. T. C. Theophanous** — The historical society.

**Hon. A. P. OLEXANDER** — Yes, the historical society also plays a very major role in this, Mr Theophanous.

It is interesting to see the level of community support that exists from people; and they do come from all over Victoria, because the engines that are purchased and restored by the group are unique in their construction. The skills required to maintain and bring them back to proper working order and to restore them are unique. Many of those skills have passed away in general engineering and are now practised only in very few places around the world where heritage railways exist.

It is particularly satisfying to see the number of young people who are wanting to get involved. Today is an age of technology and cyberspace where nothing is actually real. We watch everything on a computer screen and everything seems to be simulated, so it is fantastic to see so many young people getting involved in a very hands-on way with what is an antiquated technology — something that is outmoded but which has within it some intrinsic lessons about our past and about how we have developed technologically and as a culture over the years. Preserving that and keeping it alive for future generations is very important.

As I said, what we have is an icon of very great value. It is one of the key tourism sites in Victoria, indeed in Australia, and it needs to be developed further. It is unfortunate that over the last four or five years visitor numbers have plateaued, and we on the opposition side obviously would like to see this trend reversed. We want to see more Victorians, more people from interstate and more people from overseas visiting Puffing Billy rather than fewer. We would like to see the Puffing Billy group and the Emerald Tourist Railway Board place the whole infrastructure on a more stable and secure financial footing so that that can be achieved.

The objective of course is to get more people to have what is a great experience, but you cannot do that

unless you are able to place your infrastructure on a sound financial and management footing. The ability to grant these much longer term leases is going to attract investment in and around the railway line and the infrastructure from people who perhaps have been reticent so far. There is enormous potential for that development, and Dandenong Ranges Tourism, which is a great group of local tourist operators who are operating all kinds of hospitality industry throughout the Dandenong Ranges, is very keen about this development.

The organisation believes that the greater certainty will not only allow it to contribute to the further development of this site as a more enjoyable experience for people but also that significant investment can be attracted to the area because the return on investment prospects for any investors, whether they are from Victoria, interstate or overseas, have greatly improved due to the stability because of the leasing situation being extended. Of course that has huge implications for return on investment, and that will mean that greater effort and time can be put into the development of the experience for people along that 24-kilometre railway line than was the case before.

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

**Hon. A. P. OLEXANDER** — Opposition members do very much support the initiatives in this bill.

In concluding I would like for Mr Theophanous's benefit to take him on my trip down memory lane. I first visited Puffing Billy in 1988, and it was not a family visit. A lot of families tended to drive up into the Dandenongs and get on the train with their mums, dads, grandmas, uncles, aunties and kids, but my visit was not like that. In 1988 mine was a political visit. I was the policy vice-president of an organisation which is very well known to you — that is, the Young Liberal Movement of Australia. It is a fine organisation which has contributed many fine members of Parliament to both chambers in Victoria.

As policy vice-president one of my jobs was to receive delegations from other political youth organisations who visited Australia. One of these groups was from Taiwan. There were 15 young people from a young nationalist organisation in Taiwan, the Kuomintang, which probably would not be down Mr Theophanous's philosophical line, but it certainly was down ours. We were put in touch with the organisation through the International Young Democrat Union, which is the international group of centre right and liberal democratic parties. They came to visit Australia, and we asked them what they wanted to do while in

Melbourne. They knew about Puffing Billy, and through a translator they said they wanted to go on Puffing Billy.

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

**Hon. A. P. OLEXANDER** — They certainly did. Once we finished they knew who we were. We took them on a bus to Belgrave and went on the Puffing Billy. That was my first visit as well. I can remember being stunned not only by the historic feel of the trains and of the stations, and particularly going over the bridges, but by the nature surrounding us, which was stunning and spectacular. It was beautiful. I do not think a young Taiwanese person visiting Australia may have previously had the opportunity to be exposed to that sort of pristine natural forest nor to be able to move through it on a train. Certainly their reaction to that trip was amazing.

They loved the trip very much, as we did. It was a successful political exchange. We were invited back to Taiwan the following year, so they must have enjoyed themselves. If they had not enjoyed themselves, they would not have invited us back. With that stroll down memory lane, and my political involvement at a very young age with Puffing Billy, I commend the bill to the house.

**Hon. J. G. HILTON** (Western Port) — It gives me great pleasure today to speak on the Emerald Tourist Railway (Amendment) Bill, known as the Puffing Billy amendment bill.

Puffing Billy certainly has a place in the hearts of all Victorians. It is very hard to refrain from slipping into anthropomorphic language when one is discussing Puffing Billy. Whether this is because we have had the *Thomas the Tank Engine* books read to us in our youth or because of the fact that we tend to imbue anything mechanical with human tendencies, I am not sure, but certainly Puffing Billy is an icon. As has been said by other members, there would be very few people in this house who have not visited Puffing Billy at least once.

When my wife and I have visitors from overseas we are more than happy to take them to Puffing Billy as one of the things that they must see. In fact, my wife is a teacher, and on Thursday she is taking a group of 80 of her students to Puffing Billy for a year-end excursion. I am pleased to say that she will be accompanied by five other teachers, and she has assured me that she will not be dangling her legs out of the window.

Railways are attractive tourist features, and I understand Puffing Billy is the second-most popular railway attraction in the world. This is a short bill which

has only five clauses, and as it is unopposed I do not intend to take up too much of the time of the house.

As honourable members know, Puffing Billy operates between Belgrave and Gembrook. Tourism is an absolutely vital part of our state economy, and we must do all we can to increase the attractiveness of our tourist attractions. There is ongoing competition for the tourist dollar from other tourist features in Victoria. While the attractiveness of Puffing Billy cannot be underestimated as it wends its way through some of Victoria's most stunning scenery, it is not in a position to rest on its laurels.

As other members have mentioned, the visitation numbers for Puffing Billy have tended to stabilise over the last four or five years. I understand the 2002–03 annual report shows that Puffing Billy had 245 000 visitors, and in 1995–96 it attracted 238 000 visitors, so in seven years there has been little change in numbers. As other members have said, the annual report shows that last year there was a loss of \$139 000. This was an improvement on the net loss of the previous year, but still a net loss, which obviously cannot be sustained long term.

I would suggest to honourable members that this result is rather worse than the figures first indicate. As other members have mentioned, volunteers make a huge contribution to the railway, and in the last financial year this was estimated at 66 man years. I am sure the annual report is using the word 'man' in the generic sense. Volunteers gave up their labour, which was valued at more than \$3.3 million. If we added the \$3.3 million of volunteer labour to the loss which the railway makes, then it would obviously be unsustainable.

In terms of improving Puffing Billy's performance, the board has suggested that if it had more certainty in the granting of commercial leases, then it could develop activities such as interpretive centres, cafes, restaurants and other tourist accommodation. The board is of the view that to take advantage of these opportunities it must be able to offer longer leases than 21 years. The board is asking for an opportunity to offer leases of 50 years. However, there is a safeguard that leases over 21 years will still have to be approved by the minister.

The rest of the bill is essentially a clarification of the powers of the board in relation to the development, construction and management of those tourist facilities. It is in the interests of all Victorians that Puffing Billy be allowed to prosper and continue its role as a key feature in the mosaic of Victoria.

If I could finish by making one observation of Puffing Billy, once a year there is a race through the Dandenong Ranges between Puffing Billy and human runners. Unfortunately Puffing Billy never wins that race; he usually comes in about 50th or 60th. He has lead in his saddlebags because Puffing Billy has to pull two carriages full of children. I would like Puffing Billy one year not to have that lead in his saddlebags so we can see how he can complete on even terms. I suspect that I would not be the only person in this house who would be highly delighted if Puffing Billy won the race.

I wish to make a comment about the contribution made by the Honourable Gordon Rich-Phillips. He spent around 50 per cent of his contribution criticising the Bracks government about Seal Rocks. I am not sure if he has been to Seal Rocks, but if he had he would know that the development was totally inappropriate for that site. It was totally overcapitalised. The development was based on a projected figure of 5000 visitors on each and every day, which was more than the average number of visitors to the penguin parade.

That project was never going to be viable and successful in the long term. It was flawed in a marketing and engineering sense because the roof blew off about 12 months ago. For Mr Rich-Phillips to compare Puffing Billy with Seal Rocks shows the barrenness of opposition members — they have no policies; they stand for nothing; they take the opportunity to criticise anything that is Victorian, and they criticise the government which 12 months ago was elected with a record majority in the history of Victoria. Mr Rich-Phillips may believe —

**Hon. Andrea Coote** — On a point of order, Acting President, we are talking about Puffing Billy and the issue the member is talking about is the last Victorian election. Will you bring him back to the issues at hand?

**Hon. J. G. HILTON** — On the point of order, Acting President, Mr Rich-Phillips raised the issue of Seal Rocks, and I am refuting the arguments he made. I believe that is well within my rights in my contribution.

**Hon. Andrea Coote** — On the point of order, Acting President, I point out your ruling on that which was discussed before. I remind you of what you, Acting President, said last time.

**The ACTING PRESIDENT (Ms Hadden)** — Order! There is no point of order. I ask the member to come back to the bill.

**Hon. J. G. HILTON** — With great pleasure. I certainly commend the speedy passage of this bill through the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

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

That the bill be now read a third time.

I thank honourable members from both sides of the house for their contributions to the debate and for recounting to the house their experiences, along with those of many other tourists, on that very important railway track.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**RESIDENTIAL TENANCIES  
(AMENDMENT) BILL**

*Second reading*

**Debate resumed from 6 November; motion of Ms BROAD (Minister for Housing).**

**Hon. W. A. LOVELL** (North Eastern) — I rise to speak on the Residential Tenancies (Amendment) Bill, and in doing so I indicate that the Liberal Party does not oppose the bill.

The purpose of this bill is to provide that the director of housing may pay amounts of bonds on behalf of tenants by means of director of housing vouchers to enable the Residential Tenancies Bond Authority to refund amounts of certain bonds paid by the director of housing and held by the authority on 30 June 2003 to the director of housing, and to provide that it is a function of the authority to collect certain information and to disclose that information to the director of housing.

Under the current system a program exists which provides financial assistance to those who need it for the purpose of paying a bond on a private residential tenancy. The program is means tested and involves the Office of Housing paying all or part of the bond on behalf of the tenant. The average bond paid is around \$600, and some 13 208 bonds, or approximately \$8 million worth, were issued in 2002–03. The bond loan program is a very worthwhile program that

endeavours to keep low-income earners out of public housing by offering them an opportunity to rent a private rental property.

Under the current system an Office of Housing cheque and a bond lodgment form have to be lodged with the bond authority. The amount of the bond is required to be repaid to the Office of Housing at the end of the tenancy. In order to have the bond refunded the landlord and the tenant are supposed to jointly apply to the bond authority for the return of the bond money to the Office of Housing. The process often fails to occur because many residents are confused and believe that the Residential Tenancies Bond Authority is a government thing and therefore the government will look after it and the money will just be returned automatically. As a result, some \$7 million is remaining with the bond authority. This is money that should have been returned to the Office of Housing.

The bill provides for a voucher system to be introduced for the payment of such bonds with a voucher instead of a cheque. The voucher will be lodged against the property, taking the bond as an Office of Housing bond. Under the new voucher system the bond authority will be obliged to notify the director of housing when a new bond has been received for the premises previously the subject of an Office of Housing bond. In other words, when a second bond is paid and there is still an original bond, the bond authority will notify the Office of Housing. The director of housing and the landlord can then jointly apply for the bond to be refunded.

This option should help to facilitate the repayment of bond moneys to the Office of Housing. The opposition has already identified an area where the voucher system will fail. The trigger to alert the authority to notify the Office of Housing will be the receipt of a second bond on a property where the Office of Housing had previously paid the bond. This system will work fine if a property is re-rented and continues to remain in the rental market but will fail if the property is not re-rented — that is, if the owners of a property decide that they are going to move into that property, or the property is sold and not re-rented. Under these circumstances no new bond will be lodged and therefore there will be no trigger to alert the bond authority to notify the Office of Housing. However, the system should go a long way towards assisting the recovery of Office of Housing funds that under the current system just end up sitting in the Residential Tenancies Bond Authority.

In order to recover the \$7 million that is sitting in the Residential Tenancies Bond Authority at the moment there will be a need for some transitional arrangements,

which clause 9 provides. Clause 9 inserts new section 411A into the principal act. It provides that, if on 30 June 2003 the bond authority holds a bond paid by the director of housing and the authority receives a new bond for the same premises and no application for a refund of the original bond paid by the director of housing is made within a 12-month period of the date on which the new bond is paid, the authority may refund the original bond to the director of housing. This will also apply where a bond has been paid jointly by the director of housing and the tenant, and each will be refunded their portion of the bond.

During the consultation on this bill the Tenants Union of Victoria raised some concerns with the shadow Minister for Housing, Helen Shardey. I seek the minister's response to these concerns. On the matter of the \$7 million to be recovered from the Residential Tenancies Bond Authority, I seek the minister's assurance that this money will continue to be used specifically for the bond loan scheme. I also seek assurance from the minister that the recovered bond loans will be allocated against the outstanding debts to the tenants the original loan was allocated to. An outstanding debt of this nature against their name will prevent tenants from applying for a second bond or public housing in the future.

Clause 16 inserts new subclause (ca) in section 431 of the principal act. It gives the Residential Tenancies Bond Authority the power to collect information contained in the bond lodgment forms submitted to the authority as well as other information kept by the authority. Additionally, the clause inserts new subclause (cb) in section 431 of the principal act, which gives the bond authority power to disclose to the director of housing all information, with the exception of names, collected in relation to bonds as per the information referred to in new subclause (ca).

These provisions have been included in the bill because the government, through the Office of Housing, has in the past produced a quarterly rental report for the private sector which indicates average rentals by type of dwelling and location. It also indicates the percentage rental increases and decreases for the quarter. Traditionally the statistical data for this report was gathered from the bond lodgment forms processed by the Residential Tenancies Bond Authority (RTBA) and passed on to the Office of Housing. This data exchange had to be suspended in June last year because of concerns that the exchange of information may have contravened the Privacy Act. Clause 16 gives the bond authority power to pass on all information collected, excluding the identity of tenants, for the purpose of

collating statistics to the Office of Housing in collective form.

The Scrutiny of Acts and Regulations Committee *Alert Digest* No. 8 talks about the collection of data as set out in clause 16. I draw the attention of the house to the SARC note:

The committee notes the submission made by the Victorian Privacy Commissioner that the provision may not make sufficiently clear which personal information authorised to be collected under proposed section 431(ca) is compulsory because it is necessary and which is optional because it is unnecessary to the administration of bonds even though useful to the director of housing for statistical and research purposes.

The committee will seek further information from the minister whether it is desirable or possible to prescribe in legislation that, where information unnecessary to the RTBA's bond administration is to be collected, it be made clear whether it is required under law and proper notice be given of its intended uses and whether it is desirable or possible to prescribe in legislation or the regulations what information is to be disclosed to the director of housing pursuant to new section 431(cb).

The Privacy Commissioner's report to the Scrutiny of Acts and Regulations Committee raises the issue of necessary and unnecessary information which may be collected and passed on to the Office of Housing. I would like to quote some of that report:

2. Clause 16 of the bill may require or authorise acts or practices that may have an adverse effect on personal privacy within the meaning of the Information Privacy Act 2000 because:
  - a. it is unclear whether tenants and landlords will now be compelled to provide to the Residential Tenancies Bond Authority (RTBA) additional information that is irrelevant to the administration of bonds but is of use to the director of housing for research, statistics and public education purposes; and
  - b. the authority to collect information in proposed new section 431(ca) may not be effective in facilitating the information sharing envisaged by the Bill.
- ...
3. The Minister for Health states in her second-reading speech that the information on the bond lodgment form contains prescribed (compulsory) information and additional (optional) information. An example of optional information not required under law to be disclosed to the RTBA is the number of bedrooms in a dwelling.
4. It is not clear whether tenants and landlords will continue to have the option to provide information that is not currently prescribed in the regulations, or whether they will be compelled under law to provide information that is not strictly necessary for the administration of

their bond but which the director of housing might find useful.

5. Greater transparency and notice are concepts that underpin the privacy protection in the Information Privacy Act and that are essential to ensure the public are aware of and have confidence in the responsible collection and handling of their information by government. Both would be achieved if the bill made it clear what information is to be compulsorily given to the RTBA and what information is to be given to the government at the tenant and landlord's option.

The Scrutiny of Acts and Regulations Committee requested additional information from the minister to address the concerns raised by the Privacy Commissioner, and I request that the minister indicate to us whether she has responded to the Scrutiny of Acts and Regulations Committee and if she has why that information has not been made available to us.

Early housing in this state has risen dramatically since the Bracks government came to power. In fact early housing waiting lists in country Victoria have surged by a massive 531.37 per cent. They surged by 203.53 per cent in metropolitan Victoria between June 2000 and September 2003. In individual towns these figures are even more frightening. In Swan Hill they have risen by 2550 per cent, in Benalla by 1850 per cent, in Wodonga 1700 per cent, in Sale 1300 per cent and in Wangaratta by 1050 per cent. Early housing is priority housing; it is for people who are living in inappropriate circumstances — the disabled or the recurrently homeless. Since coming to power the Bracks government has added a further 4500 families to this list.

Productivity cuts have also been applied to housing organisations such as Hanover Housing Services, an organisation that provides services to people who are homeless or are seeking crisis accommodation. The productivity cuts are cruel and heartless and are impacting on the most vulnerable members of our society.

The Bracks government has also increased rents for public housing from 23 per cent of tenants' incomes to 25 per cent of their incomes. In opposition the current government was totally opposed to any percentage increase in public housing rents, but in government it has once again moved to apply an additional burden to the budgets of low-income earners. Public housing is at crisis level in Victoria, yet the only answer the government has been able to come up with is a scheme that will retrieve a mere \$7 million from the RTBA.

In conclusion I would like to point out that while this bill will recover some of the \$7 million outstanding

bond loan money from the RTBA, if a property is not re-rented the trigger will fail to identify the bond for repayment to the director of housing.

**Hon. D. K. DRUM** (North Western) — I take pleasure in contributing to the debate on the Residential Tenancies (Amendment) Bill. I would like to congratulate and thank my colleague in the other place Noel Maughan who has done a lot of work and research into this bill.

The Nationals will not be opposing this bill. The legislation is not overly complex, and we will be moving reasonably quickly through it. Mr Maughan, the member for Rodney in the other house, has consulted extensively and has a long list of people, associations and organisations that he has been in touch with to get their feelings on this bill. The vast majority of them are supportive of it.

The bill allows for the director of housing to assist with the provision of residential bonds for private rentals, amongst other things. This is a very important aspect of encouraging people into the private market. It will allow the Residential Tenancies Bond Authority (RTBA) to collect information about tenancies and release this information to the director of housing. The bill will aim to speed up the method by which the director of housing can recoup or recover the bonds, providing there is no claim being made against them by the landlord, and then use these funds to assist in further ongoing applications for people who need help in getting a bond together.

Part of the consultation that my colleague Mr Maughan went through was with the Real Estate Institute of Victoria. Interestingly the chief executive officer from the REIV responded by letter, and it is worth putting on record one concern that relates slightly to the bill but predominately concerns section 213A(1) of the principal act. The letter states that that section provides:

... that an application for unpaid rent and a possession order may be made to VCAT at the same time. However, subsection (2) only enables VCAT to make a determination on the amount of rent owing at the date of the application and VCAT also has power to direct the RTBA to make a payment from the bond to the landlord.

The current wording of the act creates an inequitable position for both landlords and tenants. For example, the rent may be \$200 a week and at the date of the application the tenant owes \$800, but prior to the hearing at the Victorian Civil and Administrative Tribunal the tenant pays \$400 of the amount outstanding. In this case VCAT can only make an order relevant to the amount owing at the date of the application, which is the \$800.

This means that the Residential Tenancies Bond Authority would make an order to refund the bond of \$800 to the landlord when in fact the tenant only owes \$400 at the date of the hearing. Similarly, a tenant could owe \$400 at the date of the application, but by the time of the hearing the tenant could owe \$800. The Real Estate Institute of Victoria submits that the appropriate determining date should be the date of the hearing and not the date of the application. This is a commonsense recommendation from the REIV, and perhaps the minister could take that on notice and consider it down the track.

Under the current Office of Housing program, which costs in the vicinity of \$10 million, the landlord and tenant jointly apply to the Residential Tenancies Bond Authority for bond moneys to be released once a tenancy has ceased and the tenant has moved out. However some tenants believe that due to the fact that we have two government organisations they can vacate the premises and leave these two organisations to sort out the moneys between them. As the Honourable Wendy Lovell pointed out, this has resulted in up to \$7 million being left in the RTBA that should rightly have been returned to the director of housing to enable further applications to be processed.

The National Party would like to acknowledge the role that the Office of Housing program plays in allowing low-income earners — and it is associated with low-income earners due to the fact that it is means tested — the chance to stay out of public housing. This bond assistance, which is usually in the vicinity of \$600, gives them the chance to undertake private rental leases.

This legislation will introduce a voucher system instead of having to draw a cheque. This has a couple of advantages. It will safeguard against fraudulent activity because people are dealing with vouchers, and not money. Clause 12 of the bill refers to the setting up of a system whereby when the RTBA receives a bond for a residence for which they are already in receipt of a bond, they will arrange for the original moneys to be returned to the director of housing. In some respects it is quite perplexing that whilst we expect the RTBA to know that a bond has been paid for the same property twice, we cannot expect the same from the director of housing. It seems that in practice it is quite okay for the director of housing to fork out assistance for the same house twice, even though it has not yet received its original return from the first instalment, due to the ceasing of the tenancy.

There will be a need for other mechanisms to be put in place in situations where a tenancy ceases and is not

followed by another tenancy. This could be when a landlord moves in, when the residence is being demolished or where a residence undergoes long-term renovations and then is on-sold. These bonds probably make up a large proportion of the \$7 million that is being held by the RTBA. Clause 9 of the bill deals with this \$7 million that is stagnating at the RTBA, and the moneys will rightfully be returned to the director of housing.

The National Party would also like the government to guarantee that all moneys returned to the director of housing from the RTBA will be used for further applications under the loan assistance scheme. We need to assist the bond loan scheme which helps low-income earners gain accommodation, but we must understand that the Bracks government has made significant cuts to the capital expenditure of the Office of Housing. I quote from the Public Accounts and Estimates Committee report on the 2003–04 budget estimates — —

**Hon. W. R. Baxter** — Tabled only a fortnight ago.

**Hon. D. K. DRUM** — Thank you, Mr Baxter, the report was tabled only a fortnight ago, and it illustrates my point. I quote from page 209 of the report. This is where the minister advised that the presentation of housing appropriation funding was changed in 2002–03 to reflect the requirements of the Accounting and Financial Reporting Bulletin No. 39, headed ‘Accounting for Contributed Capital’. It reads:

The committee noted that while this change does not affect the amount of funds appropriated to housing, it does, however impact on the relative levels of recurrent and capital funds reported in the profit and loss account and the balance sheet. Consequently, all state appropriated funds will now be treated as recurrent, and commonwealth funds will now be split between recurrent and capital.

The committee was advised that the decline of \$46.5 million in housing appropriation funding, actually reflects a decrease of \$52.5 million in funding for contributed capital from \$140.9 million in 2002–03 to \$88.4 million in 2003–04.

It is a serious cutback. The report continues:

The Committee noted that the major reasons for the decrease in contributed capital in 2003–04 were due to a decline of approximately \$18 million in commonwealth funds as well as a reduction in state funding to the housing program of approximately \$35 million.

You can see that while the Bracks government continues to blame the commonwealth for capital spending on housing programs, the state government has reduced its funding by twice as much as the commonwealth government. Effectively, the government has cut its funding by \$35 million.

The report goes on to say:

The committee also noted from its analysis of the department's response to the budget estimates questionnaire, that capital expenditure by the Office of Housing will decline significantly from approximately \$402 million in 2002–03 to \$282 million in 2003–04.

So here we have a \$120 million reduction — as the report says, it is 'a significant decline'.

While the committee was unable to reconcile this decrease with an explanation within the 2003–04 budget papers, the minister advised that this occurred as a result of a change in policy by the government driven by recommendations by the Victorian Homelessness Strategy which has shifted the emphasis from investing in short-term and crisis accommodation to investment in longer term accommodation.

While the committee accepted the rationale for changes in the accounting treatment of this contributed capital as well as the government's policy decisions arising out of recommendations from the Victorian Homelessness Strategy, it was, however, very concerned that the 2003–04 budget papers do not provide a sufficiently transparent explanation of the factors influencing changes in the housing appropriation funding.

I thank the house for letting me go through that. It is important to put that significant cut by this government on the record. It is interesting that if there has been a \$120 million reduction in funding due to a policy shift of the government going from short term to longer term accommodation, then we would expect to see that \$120 million being added to the medium to longer term public housing sector.

Since June 2000 the overall public waiting list has increased by more than 9 per cent resulting in a situation, as mentioned by the Minister for Housing in question time, where there are now over 35 000 families waiting for public housing in Victoria. This government is doing its best to keep these numbers down not by finding accommodation for these families but by continually sending out letters to people on waiting lists asking them to reconfirm their initial applications. The government has put in place a rolling process for people who are on waiting lists hoping to be lucky enough to get into public housing.

These people are quite often transient, staying with various friends or relatives and occasionally in caravan parks. These people stay in any accommodation they can get. If they get the opportunity to improve their accommodation standards they will take it. For the government to be continually sending out re-confirmation letters asking if they still require public

housing means there is a very strong possibility and probability that quite often these letters will not find the people for whom they are intended. The failure of these people to reconfirm that they are in need of public housing means they are taken off the public housing waiting list.

Last year 6000 people were struck off the list. We are sure that not all of those people found housing; quite a few of them simply were not able to reconfirm that they were in need of public housing. Many of these families were forced to resubmit their applications after contacting the Department of Housing for an update on their place in the queue only to find they were no longer on the waiting list.

There is a real need by the Bracks government to acknowledge the group of families on the most urgent waiting list. This group has been approved for early housing, which used to be known as priority housing. The priority housing list comprises people who fit into three categories — recurrently homeless, disabled or living in inappropriate circumstances. Since June 2000 the group of people that has been accepted for early housing has increased by over 230 per cent or 4500 people.

The National Party has looked at this closely; it does not expect the government to overcome this problem single handedly or to fix up all the problems with our community's housing needs. We understand that there is a real and genuine need for the government to get the private sector involved and to encourage private sector investment into the rental market to cater for those on low incomes. We need the private sector continually providing housing stock for the rental market and in particular the lower end of that market.

It will play such an important role in the market. There are approximately two million Australians living in rental accommodation, and of these, 74 per cent are in the private sector, so while the market forces are looking after nearly three-quarters of the rental accommodation, we still have 20 per cent Australia-wide in government-owned housing.

Thirteen thousand-odd Victorians use the Office of Housing bond loan scheme, and that is why we believe it to be a very good scheme, enabling these people to make that leap into the private sector as opposed to relying on the government.

But these families living in public housing have, under the Bracks government, been forced to pay a greater proportion of their income than was previously the case. They have had the slice of their income increase

from 23 per cent to 25 per cent, and this impost has been extremely difficult for a lot of people. It has had a marked effect on their living standards.

The final part of the bill concerns clause 16 which enables the Residential Tenancies Bond Authority to collect information contained within the bond lodgment forms and share that information with the director of housing.

It is anticipated that by compiling this data and using it for research into tenancy trends and public education, creating policy and market trends and so on, that they will help keep themselves ahead of the pack and the market.

As there are current concerns over the privacy laws with the sharing of this data, this practice has stalled, and we welcome the addition of clause 16, which, although it will enable names to be withheld, will allow the information to pass freely between the government agencies, so they can use this data for further research.

On a local basis, in Bendigo I worked closely with the Loddon Mallee housing people, who, every night of the week, will be putting some 200 people into emergency accommodation. Therefore it is somewhat scary when I read that the minister says the government will take \$120 million annually from short-term accommodation or crisis accommodation to a further investment in longer term accommodation because in Bendigo currently there exists an absolute crisis in emergency short-term accommodation.

As it may turn out, my electorate office in Bendigo is at the front of a group of low-income flats, and quite often people knock on my door asking if they can get some cheap accommodation out the back of the units. I have to disappoint them on a continual basis, letting them know that I am not a landlord, a motel owner or a backpackers' institution: I should be, but I am not. I am a lot of things to a lot of people, but unfortunately, although I wish I had the ability to offer them a bed, I do not.

But the constant strain on the resources of Loddon Mallee housing is evident to anyone who works in the industry and understands that it is a real issue out there, and I urge the government to seriously reconsider taking funds away from the emergency sector and putting them into medium and long-term housing.

I believe, and the National Party believes, that we have to firmly encourage the private sector to invest in low-income accommodation. The bond loan assistance scheme is a good scheme that helps people take that leap of faith into the private sector, then gives them the

opportunity to fend for themselves, and hopefully they can have the choice, further down the track, of purchasing their own small accommodation so as to get themselves out of the rental market altogether.

The people from the Loddon Mallee Housing Service have spoken on numerous occasions about solutions to this problem. It is not just a matter of building cheap housing and accommodation and letting the people rent it out long term and indefinitely; it is about getting a rolling amount of stock that is built continually, put into the community and then sold off at a later date, replaced again and continually replaced and upgraded; but the people who will be looking at this type of investment will need encouragement from the government, as are the tenants who will also need encouragement to continue to use the private sector for their rental accommodation.

The National party will not oppose the bill, but we wish the government would work closely with the community so that it gets its priorities right when it comes to cutting back short-term accommodation assistance.

**Hon. C. D. HIRSH** (Silvan) — I speak on the bill with great interest. I have always had a strong interest in the housing situation, particularly for lower income people, and I have been involved with organisations that look at providing bond assistance for prospective tenants in the private rental market.

The most important amendment that the bill introduces is one that will allow the director of housing to actually recoup, with more speed and accuracy, some of the money that is sitting in the Residential Tenancies Bond Authority.

What happens now, as has been described, when the director of housing sends a bond cheque for a tenancy that is about to take place is that that cheque may not necessarily go to the Residential Tenancies Bond Authority; it may go into the estate agent's trust fund, then into the bond authority, which means the bond authority has absolutely no idea that the director of housing has an interest in that bond money.

Of course once the tenant leaves, often the director of housing is not aware that the tenant has in fact left. There is an estimation by the Office of Housing that there is approximately \$7.5 million held by the Residential Tenancy Bond Authority that should be returned to the director of housing.

It is not possible to accurately verify this figure, as there is no mechanism for finding out if tenancies have in fact been terminated, and therefore the money

becoming due to the director of housing. In some cases the tenancy may be terminated, and perhaps the money may not go back to the director of housing if rental moneys are owing or if there are problems with repairs to the house, and so on.

It is a very tricky situation. That much money — \$7.5 million — would provide a lot of bond money for tenants who require it. The fund is a revolving fund. The bond money goes out to assist tenants into private rental, then if the tenant leaves that rental it comes back to the director of housing. It tends to be only given once, although there are occasions when a tenant moves for one or another valid reason and receives, on occasion, a second bond from the director of housing.

It is a good alternative for a person to be able to go into rental housing when they do not have the bond. They have the choice, then, of housing and are able to pick the town or suburb they want to live in in terms of being near their work and so on, so the bond program is a very satisfactory adjunct to the provision of public rental housing.

But the change that the bill brings in is a change to a voucher system so that whenever a bond is paid on behalf of a tenant, the director of housing will send a voucher to the Residential Tenancy Bond Authority so that this authority knows that the director of housing has an interest in that transaction.

The bill also obligates the bond authority to notify the director of housing when a tenancy ceases so that the bond money can in fact then go back to the housing director and then be reallocated on someone else's behalf.

The other major component of the bill deals with data on bonds paid to the Residential Tenancies Bond Authority being sent to the director of housing. This has always happened, but because of privacy laws in recent times that data transfer has been suspended. The bill will enable that data to again be forwarded to the director of housing. It is very important, because it will enable the director of housing to ascertain the state of the private rental market and look at public rental policies in that light. It will also enable a general look at the state of the whole housing market in Victoria. That part of the bill will be very useful in terms of restarting the collection of data on bonds going to the Residential Tenancies Bond Authority by the director of housing.

I will say something briefly about the housing market generally. The prices of houses have skyrocketed over the last few years, and I note that it has been of benefit to what they call the baby boomer generation but of

great disadvantage to what they call generation X — that is I guess, our children — who, generally speaking, can no longer afford to buy their first home at the same age as the previous generation. Perhaps I am making a value judgment, but I wonder about people's needs when they are buying a first home. I know when we moved into our first home a few years ago — since the Napoleonic Wars! — we had to settle for much smaller houses and a lot less. When you look at the size of people's first homes these days you see they require a rumpus room, a family room, a parents' retreat and this and that, and you wonder about modern requirements. However, it is still very difficult for a first home buyer, even if they want to buy a small house, a unit or an apartment, to afford to get into the market, and the private rental market has increased somewhat in the last few years as fewer of the younger generation are able to afford their first home at an early time.

While the majority of people in employment can get together the bond to rent a house even though they may already be paying rent, many people have to do it by moving back home for a few months — that is, their parents support them while they save the bond money. Many of us would have experienced that particular situation. However, under the bond scheme the director of housing pays the bond for a tenant who cannot afford it so they can move into safe and affordable housing in the rental sector rather than their having the uncertainty of temporary housing. I commend the bill to the house and look forward to its passing.

**Hon. R. DALLA-RIVA** (East Yarra) — I have pleasure in making a contribution to the bill before the house. It is important when going through the detail of the bill to consider what honourable members have said about why the bill has come about. Members have referred to the Scrutiny of Acts and Regulations Committee (SARC) *Alert Digest* No. 9 of 2003, which raises a number of issues concerning privacy and outlines the minister's response. It is important to put on the record some of the concerns that were raised by the Privacy Commissioner about the transfer of data on individuals between agencies. The Privacy Commissioner submitted an application dated 22 October raising in particular a concern about clause 16 of the bill. It is fair to put on the record that I think the minister's explanation outlined on page 56 of the SARC report is appropriate.

The principal act, the Residential Tenancies Act 1997, is quite substantial. When honourable members and the community go through it and try to decipher the nuances and bits and pieces contained therein, I think it will be important for them to at least reflect on what this amendment bill will do in terms of process. The

way I have read it, and from the information provided by members this afternoon, the bill clarifies some of the issues about the way home rental bonds are being held. I had a look on the Internet to see exactly what some of the outcomes will be and found the Residential Tenancies Bond Authority web site. I will put on the record what the RTBA actually is by quoting from the web site. It states:

The Residential Tenancies Bond Authority (RTBA) holds all Victorian residential tenancy bonds, including those on rented premises, long-term caravan and rooming houses.

This central management system was established in 1998, and is managed by Consumer Affairs Victoria, in consultation with —

various stakeholders, including —

the Real Estate Institute of Victoria, Tenants Union Victoria, and the Office of Housing.

I think it is important again to put on the record exactly what the Residential Tenancies Bond Authority does. The web site states that it:

... holds bonds in a neutral capacity in trust for landlords and tenants, giving all parties equal say how bonds should be repaid when tenancies end.

Bonds are either repaid as agreed on by the landlord and tenant or, if there is a dispute, as directed by the Victorian Civil and Administrative Tribunal or a court.

The last paragraph I read out explains the issue. My understanding of this amendment bill is that a concern has been raised about an amount — I think the second-reading speech refers to \$7 million or thereabouts — that is still held by the authority in respect of cases where tenants have moved on and there appears to be no mechanism for the return of those funds back to the director of housing, who provided them on behalf of tenants. I believe that was the major concern, and I think the amendment goes towards addressing that issue.

I thought it was important again to look at information from consumer and business affairs, or whatever it is called this week, in relation to rental bonds, and again to put on the record some of the fact sheets that are out there so we can understand how this comes about. One of the fact sheets entitled *Rental Bonds* says:

You will usually be asked to pay a refundable bond before moving into a rental property. There are rules about how much bond you have to pay, who you pay it to and how to get it back.

There is another fact sheet that refers to how the bond is reclaimed. It says:

Reclaiming the bond involves some simple steps:

At the end of the tenancy, the tenant and landlord or agent must complete and sign a bond claim form. It should be noted that this cannot be done more than seven days prior to ...

The tenant and landlord or agent may consent to the entire bond being paid to one party or the other or to a division of the bond as agreed — for example, if there's property damage that the costs don't exceed the bond.

The landlord or agent forwards a claim form to the bond authority.

The bond authority pays the bond directly into a nominated bank account(s) overnight.

It is specified in these fact sheets, and I am sure it is specified in the principal act, that at the end of the tenancy it is 'the tenant and landlord'. That is what it always says. I think the issue is what happens when the tenant moves on and the landlord is stuck without having the application finalised. In this particular case it is obviously the director of housing who is finding it difficult to get the money returned, and I think on average it is \$600 or thereabouts on average, although I might be out a couple of hundred dollars.

The other point about the bill concerns the function of providing reports. As I said in my introduction, that concerns the Privacy Commissioner and how information is delivered and used within the framework of the legislation. We are talking about housing in the context of those who are least able to afford it, and I think it is important in the context of this debate to put on the record some other facts that perhaps the government does not want to hear. In particular I will give the house an idea of some of the concerns in my electorate of East Yarra, which covers the Box Hill area, and some of the ways that this government has dealt with the public waiting lists in that area.

The September 2003 quarterly waiting list figures that were released in early November show that the early or emergency waiting lists in the Box Hill area have risen by 178 per cent since June 2000 — that is, there are an additional 278 families who have not been catered for by this government.

The other thing to notice is that there were some extensive cuts made to the public housing budget. I do not know why the minister stood for it, but clearly there was an \$18 million cut to homelessness assistance, and the rent increase was penny pinching if you went to the finer detail, where the government committed a rounding-up process in that program. That is what the bill goes to — to addressing the concerns of people who are homeless. The bill is about dealing with people who are in need, and certainly the bill deals with that, but it is important to put that in the context of the feel-

good stuff that we are debating here — to put it against the backdrop of the savage cuts that the government has imposed on the Department of Human Services, and in particular the reduction in funding.

There are also some recent figures from this year's public sector asset investment program. To give the house an idea, again in the Department of Human Services eastern metropolitan region, which covers Box Hill in my electorate, the government has cut the number of new housing properties from 129 in 2002–03 to only 92 in this current financial year.

We heard in question time today about the wonderful efforts of the Minister for Housing, and how she went to some opening, which I think is fantastic, but in the context of this bill, which talks about some of the concerns with providing assistance to the homeless, in providing a measurement of what the government should deliver, sadly, as we are finding out now, this eight-page bill is really just an overshadow, or an undershadow, I guess, of the savage cuts that have been put through by the government over the past number of years.

The reality is that the homelessness issue in Victoria has grown phenomenally despite the promises by this government that it would rectify it. The reality is that the minister is now having to look at other methods, other ways of gaining back some money. If it means it gets an extra \$7 million out of this bill that of course will then go back into the consolidated coffers; it will not go to the people who are in desperate need of some support. That is the shame of this.

I would like to have seen some commitment from the government side by the minister to say that the \$7 million that it is going to claw back through this amendment will be placed directly back to assist the homeless and those who are seeking some form of residential support. But sadly, as we know, this government will be about a continuation of its spin. It fails to deliver. Having said that, we do not oppose the bill and wish it a speedy passage. But we all know exactly what the homelessness issue is in this state. Again I say that this Bracks government ought to hang its head in shame.

**Hon. J. H. EREN** (Geelong) — I rise to speak in favour of this bill, because it is very important to many constituents in my electorate, and I am sure it is important to many constituents in other electorates throughout Victoria.

I am often approached by constituents who for various reasons are seeking housing away from the public

housing sector but who are still in need of help from the government. They need assistance with their bond, but they would like to go out on their own. The Residential Tenancies (Amendment) Bill 2003 works on a number of levels to help the director of housing serve more Victorians who are seeking private rental bond assistance.

Firstly, it improves the issues relating to the registration and recoupment of bonds paid, whether in whole or in part, by the director of housing on behalf of a tenant. Secondly, it improves the management of the housing bond program with improved data collection. That will increase the ability of the director of housing to help more Victorians by enabling the director to more widely distribute funding for those in need.

The director of housing also uses the Residential Tenancies Bond Authority's data to provide information to the housing sector. An example of this is the quarterly rental report published by the director of housing, which is the main source of market information on private rental in Victoria. This report is used widely within both the public and private sectors and is considered to be a reliable source of rental market information in Victoria.

Due to the necessary suspension of data exchange this report has not been published since the June quarter of 2002. Importantly the bill adequately balances the privacy of the tenants against the public interest of monitoring the Victorian residential rental market.

All in all, this bill will help the director of housing ensure that more Victorians get access to the private rental market. This will be achieved through moderate and responsible change, which will improve the provision of bond assistance.

This bill represents the Bracks Labor government's commitment to sound financial management and to building cohesive communities. There are 16 proposed amendments in this bill, which will allow the payment of director of housing bond loans via vouchers rather than cheques. To a certain extent these amendments will make the bond authority advise the director of housing when a second bond has been lodged in addition to that paid by the director of housing on the same property; and further, to allow the director of housing to recoup the amount paid without seeking the consent of the tenant.

There is no doubt that good governance is about being responsible with the state's finances, and there is no doubt that the Bracks government is a fiscally sound

manager of the state's finances. This bill is about being efficient so that more people can access this assistance.

Currently the director of housing approves approximately \$7.8 million of bond loans per annum. In the 2002–03 financial year a total of 13 208 Victorian tenants were assisted with bond loans averaging \$600 per tenant. Of the \$7.8 million provided in bond assistance, approximately \$1.2 million remains unclaimed with the bond authority. The amendments will make it easier for the director of housing to recoup this money from now on.

Throughout the drafting of this bill government members consulted with the Residential Tenancies Bond Authority, Consumer Affairs Victoria, the Department of Justice, the Office of the Privacy Commissioner and the Department of Treasury and Finance.

I must say I am pleased to see that moves by the government as stated in this bill are supported by both the tenants' representative body, the Tenants Union of Victoria, and by the landlords' representative body — the Real Estate Institute of Victoria.

In closing I want to respond to comments made by the Honourable Wendy Lovell, but unfortunately she is not here. If Ms Lovell on occasions read *Hansard* or actually listened to some of the debates that went on in the other place, she possibly would not have raised some of the issues she did raise, because clearly those issues were answered. To reassure her I will try to answer some of those issues.

I think one of them was about whether the bond loan scheme fundings would go back into the system. In answer, the bond loan scheme is funded through a revolving fund. Currently funds for this program are coming from other areas of housing money, thus any recouped moneys would be returned to the overall pool of housing funds and would be redirected to the areas of housing assistance as required.

If Ms Lovell did some research she also would have found out that some of the other issues that she raised were actually resolved today; the minister has resolved some of them. One of the key objectives of these amendments is to return any outstanding bond loan moneys to the director of housing so as to settle or finalise the bond loan account. This will explicitly clear the clients' debt to the director of housing. Therefore, I commend this bill to the house.

**Hon. C. A. STRONG** (Higinbotham) — I rise to speak on the Residential Tenancies (Amendment) Bill 2003. The bill deals with the whole question of bonds

for real estate. We need to realise that bonds for real estate are nothing new. For many years a tenant who moved into a property was required to lodge a bond to ensure that when he moved out of the property, if he had caused any damage or if he did what is called a midnight flit and did not pay the balance of his rental payments, there was some money there for the landlord to cover the costs of repairing the damage done or the tenant not fulfilling his obligations to pay all the rent.

As has been explained by other speakers, in I think 1998 a new bond body was set up, and all this activity was taken on board by the bond agency that is administered by the government.

I have to say on the record that this was something that happened in my time here, and I did not see any particular need for the agency to be set up. It is just another sort of bureaucracy. Certainly the dealings I have had and what various constituents of mine have said they had with that agency emphasise its bureaucratic nature.

What is extremely ironic is the way the government has set out to deal with its own bond agency, because what the director of housing is able to do for low-income tenants who are not able to afford a bond and therefore cannot take up rental accommodation is pay that bond on their behalf. The tenant and the landlord enter into the normal bond arrangement, but the money is supplied by the Office of Housing.

Therefore, according to the second-reading speech which contains some figures, at present the director of housing approves between approximately \$7.5 million and \$8 million worth of bond loans per annum. In the 2002–03 financial year a total of 13 208 Victorian tenants were assisted with bond loans of, on average, \$600 per tenant. The bottom line is that the Office of Housing has a whole lot of money in the bond agency, so we have the government Office of Housing with a whole lot of money in the bond agency. This bill says, 'Why should the government have all that money in the bond agency? We will not put the money in any more; we will just give you a voucher. And in that way the Office of Housing does not have to put the money up. We will just give you a voucher in lieu of money'.

The bill goes on to say, 'We would also like to get back all that money you currently have from us as bonds for various properties'. In the terminology that is used sometimes, this is no more or less than a bit of an emptying out of a perceived hollow log to get back this money for the government.

What the second-reading speech says in justification of this is that there are high transaction costs involved in issuing cheques, so the government is going to issue vouchers instead of cheques. I cannot really see that the transaction costs of issuing cheques or vouchers are going to be very much different. The real fact is that vouchers do not cost anything whereas cheques are real money.

Another justification is the backlog of bonds at the Residential Tenancies Bond Authority. That does not surprise me, because it is difficult to get money out of that authority. Several constituents have said to me that the landlord and everybody has approved the return of the bond but bureaucratically they are unable to get their money from the authority. They quote instances of a relative or an agent giving the money to the authority for them and when they want to get the money out they cannot do so because their signature does not appear on the bond authority.

Apparently the Residential Tenancies Bond Authority has a system where it scans and recognises the signatures of those who have signed bonds. Therefore if the signature of the person who put in the money for you — even if it is your cheque — is different from the signature of the person who signs the form to take out the money, then the authority refuses to pay. That causes an enormous kerfuffle trying to get the money out.

The government is probably finding the same situation. So to save itself money, rather than handing over cheques by way of a bond, it will hand over a voucher. And to save itself the administrative hassles of knowing when a tenant has left and the bond should be returned and rather than bringing together the tenant and the landlord to sign the release so the money can be handed over — that is, as I have explained, not a particularly simple operation — the bill will simply require the bond authority to monitor all that activity. When a tenant moves out the bond authority will be required to tell the Office of Housing and hand back the money.

I do not understand why the same rules do not apply to any other landlord or tenant who has these enormous problems of getting the money out. When a tenancy comes to an end it is a great pity that it is such a rigmarole to get the money out, but because the government makes the rules it is able to say that when a tenancy is finished the money will automatically be handed back.

The bill also deals with the supply of information. Because the Residential Tenancies Bond Authority deals with all tenancies it is a wonderful source of

information on the rental market. That information was shared with the Office of Housing to produce statistics and so on which are enormously useful to everybody involved in real estate and the rental market.

In 2000 along came the Information Privacy Act, and understandably it was held that the information on the bond application form is information covered by the Information Privacy Act. We understand from information provided in the second-reading speech that the Residential Tenancies Bond Authority refused to give data to the Office of Housing. Knowing how nitpicking the authority is, I understand it would have said, 'We cannot give you that information because of privacy'. It is nitpicking in the extreme, and the net result is that the statistics were not available. The last lot of statistics were published in the June 2002 quarter. This bill seeks to rectify that by making sure the bond authority hands over the information to the Office of Housing so the government can gather statistics.

There has not been a quarterly report since 2002. This is another example of the Bracks government listening and acting — we can see a lot of listening took place and very little acting. The best part of 18 months later the government is finally getting around to introducing legislation that will allow statistics to become available. Once again the government is extremely tardy, swinging the lead and taking its time. This is not legislation of enormous size and import or which required a huge amount of drafting; it is relatively small legislation dealing with essentially two issues — the flow of information from the Residential Tenancies Bond Authority and the replacement of real money with government vouchers.

Why has it taken the government so long, particularly when in the second-reading speech the minister talks about how wonderful and important this information is for the market and how everybody is holding their breath waiting to use it? Some 18 months later the Bracks government has finally decided to stop listening and start acting. Nevertheless it is good that the data will become available again.

I could go on at some length highlighting the issues, but I shall wind up my contribution by saying that the opposition will not oppose the bill. The hypocrisy is that it has taken the government so long to introduce the bill. The government does not want to put up the money but wants to put up a voucher instead. It is a pity it does not let other people put up vouchers as well rather than holding it to itself.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. M. R. THOMSON** (Minister for Small Business) — By leave, I move:

That the bill be now read a third time.

I thank all members for their contributions.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**ELECTORAL (AMENDMENT) BILL***Second reading*

**Debate resumed from 6 November; motion of Hon. J. M. MADDEN** (Minister for Sport and Recreation).

**Hon. C. A. STRONG** (Higinbotham) — In rising to speak to the Electoral (Amendment) Bill, I point out that the opposition does not intend to oppose the bill. We would, however, like to discuss some of the details in the bill because fairly significant issues are covered.

We have had electoral acts for many years, but the most recent, the Electoral Act 2002, came into operation just before the last election. Therefore many of its provisions were used or tested for the first time in the election of 2002, and it is appropriate that we look at how those provisions were used and how effective they were.

As members know, following each election the Electoral Commissioner carries out an in-depth review of the election, and we always get a very comprehensive report on his stewardship of that election, setting out all the details and general information about how that election has been managed. As part of that process the Electoral Commissioner has come up with some proposed changes to the act following the experience of the 2002 election. It is my intention to deal with those changes set out in the bill, certainly at least the most significant ones. I will go through them in the order in which they appear.

A provision in the Electoral Act requires the Electoral Commissioner to rule on disputed ballot papers when a recount is taking place. As I understand it, when a recount takes place those ballot papers which are disputed are set aside in a particular pile and the Electoral Commissioner is required to personally rule

on each of these ballot papers as to whether they are valid. This obviously involves the Electoral Commissioner in a certain amount of activity. There may be recounts going on in various parts of the state, as we know, over the weekend and into the night. The Electoral Commissioner can be running all over the place, looking at the disputed ballot papers to give his ruling as he is required to do under the act. However, in many recounts the disputed ballot papers will not change the result of the ballot. In other words, if all the disputed ballot papers were to go one way or the other, it would not affect the result of the ballot.

The first amendment allows the Electoral Commissioner, in the case of a recount where the disputed ballot papers will not have an effect on the outcome, to delegate his power to rule on those ballot papers. Members can imagine that the local returning officer or somebody of significant authority will be delegated to rule on those ballot papers. The important point is that this power of delegation is only for recounts where the disputed ballot papers will not affect the outcome of a ballot. Where the disputed ballot papers will affect the outcome, the act will still require the returning officer to give his personal judgment on each of those ballot papers. Members will consider that an eminently sensible provision.

The next amendment deals with the closure of the rolls. As members know, when an election is coming up the Electoral Commissioner advertises at some length to urge people who for various reasons are not on the rolls to enrol to enhance the whole democratic process by getting as many people on the roll as possible. It would not be a surprise to anybody to hear that as a result of that advertisement and an election being in the offing there is generally a big rush of enrolment forms that come in at the last minute — as with all cut-off dates, there is an inevitable rush towards the end.

In essence the act currently provides that enrolment forms that come in must be processed virtually before the rolls close. In other words, the act now essentially provides that when the rolls close all the enrolment forms must be processed at the close of the rolls. If the rolls were to be closing at 8 o'clock on a Friday night or something like that, all the enrolments would have to be processed by that time and date. So there is a huge processing effort. It is not only that they have a flood of enrolment forms coming in, but there is also an enormous effort to process them all before the cut-off date. The sensible thing is to provide the cut-off date for the lodgment of the enrolment forms but that the actual entering of that data onto the roll can be some hours after that.

**Hon. W. R. Baxter** — I am sure that is what Parliament intended when it passed the bill, Mr Strong.

**Hon. C. A. STRONG** — I am sure it did. Mr Baxter has highlighted that that is what Parliament intended, and we are informed that the Electoral Commissioner bends the rules a bit and does a bit of the processing after the cut-off date. However, he is bending the rules as he sees them, and he believes the rules should be made quite clear — that the cut-off date and time is the date and time for the final receipt of applications for an amended entry or a new entry on the electoral roll. That is what the amendment does — it allows for the cut-off date to be the date of receipt rather than the date of entry onto the roll. Again, that is a sensible and sane thing to do and I am sure it was always the intention.

The next amendment deals with the question of inquiries that the Electoral Commissioner may make himself about a particular application or entry on a roll. He may inquire whether it is correct particularly if he is in receipt of an objection through which somebody queries an entry on the roll.

What the act now says is that the Electoral Commissioner is obliged to deal with such objections immediately. He has interpreted that as having to deal with them immediately and with some haste, and he points out that in many cases this is to the detriment of a proper investigation. He may need to seek further information about an objection, he may even need to go to police sources, he may want to look at rental details and so on to establish whether the objection is valid. Therefore, his dealing properly with such an objection is somewhat at odds with the requirement on him to deal with such objections immediately. Essentially the amendment makes it clear that such an investigation should be carried out to the full extent that the Electoral Commissioner feels it should be carried out. Therefore, the 'immediate' requirement is amended.

That removal of the requirement to investigate 'immediately' should not be interpreted, as I am sure it would not be interpreted, as letting these things drift on interminably. The Electoral Commissioner would still seek to deal with any objections as efficiently and quickly as possible. I am sure that is the intention of the Parliament. This simply tidies it up by making quite sure that the Electoral Commissioner feels under no duress to act urgently because of the present 'immediate' requirement.

The next amendment deals with the question of drinking at polling booths. It is a longstanding principle, which some of us would agree with, that drinking on polling day is not desirable. We can cast

our minds back to stories of elections in the 1800s where in many cases polling took place at the local hotel. There was some encouragement to vote one way or the other by shouting a drink or offering some form of inducement by way of a beer or a nip of rum — —

**Hon. W. R. Baxter** — A four-penneth dark!

**Hon. C. A. STRONG** — Or, as Mr Baxter says, a four-penneth dark — whatever takes your fancy, Mr Baxter! — by way of inducement or vote buying. We are led to believe that this was a not uncommon practice in the old days, and it is eminently appropriate that that practice be now outlawed. Of course it has been outlawed for many years in that the provision of alcohol at polling booths is absolutely inappropriate and against the law.

However, situations have arisen. Polling today does not take place at hotels, like it used to in the good old days; polling now generally takes place at schools and such establishments. Often schools — and I concentrate on schools because that is where most of our polling booths are located — have various functions, fetes and so on. In such cases some schools apply for temporary liquor licences to provide alcoholic sustenance — a glass of wine with the barbecue at the school fete or whatever.

All those who have been involved in school councils or fetes would know that the planning for such events goes on for many months. You may have decided the date of the school fete nine months ahead and all the planning — what rides, food and beverages you will have — becomes a long-term exercise. As part of that process, a liquor licence can be applied for. In that process of planning for the school fete it might be decided to serve wine with the barbecue while parents watch the kids on the rides or whatever, but suddenly an election is called for the same day as the school fete, and for which we had applied for a liquor licence.

We can understand that if, after all the planning by the local school committee, the Electoral Commissioner then comes along and says, 'I am sorry, you cannot have that glass of wine with your barbecue anymore because we are going to have an election at your school that day', of course the school council will say, 'We still want to have our fete on that day because after all, we are going to have all those extra people coming to the school. We will be able to sell them cups of tea and cakes, and get their kids on rides, and sell glasses of wine'.

But then the electoral commission says, 'No, this is a polling place, you cannot have any alcohol.' I

understand a scenario similar to the one I have painted actually happened. Before the election the electoral commission took the school in question to the Victorian Civil and Administrative Tribunal and sought a ruling that there could be no alcohol at the school because it was a polling booth. There was not an appropriate outcome at the VCAT hearing; it was a mixed outcome.

This amendment will make it quite clear that regardless of the circumstances there will be no alcohol at polling places at all. It puts the decision of VCAT, which was ambivalent on this issue, beyond question. This means that regardless of what happens, and even if the school fete after nine months of preparation is terminated by election day, that is just bad luck for the local school. I guess that is bad luck for the local school, but nevertheless there is a higher need served, and that is to make sure that our polling booths are alcohol free.

**Sitting suspended 6.29 p.m. until 8.03 p.m.**

**Hon. C. A. STRONG** — Before the dinner break I was talking about some of the amendments to this bill, particularly the one which I think is of potential concern — that is, the question of serving alcohol at polling booths. I highlighted the fact that in the old days polling often took place at local hotels, and the offering of a glass of whisky or beer or some other alcoholic beverage was quite clearly an inducement not only to get people to vote in the days of non-compulsory voting but also to influence the way people voted. I said that it was appropriate that alcohol be banned from polling booths.

I then took the chamber through the problem that can occur at schools and the like when a school fete or something like that is being organised and an election is called. The school may have decided to put on a barbecue or similar function for people coming to the fete and obtained a licence to serve alcoholic beverages. Suddenly, on top of what could have been months of preparation by a school council or a school committee to set all this up, an election is called and there is a problem with the rules that stipulate that no alcoholic beverages can be served at a polling place.

I was highlighting the fact that such an occurrence took place and that the issue went to VCAT for it to decide whether the school concerned should be stopped from serving alcoholic beverages. As we have been briefed, VCAT ruled that the provisions of the act concerning the serving of alcohol at polling places were unenforceable in the circumstances.

But what could be seen as a breach of those provisions, be it at all unintentional and of no great consequence in

the actuality of the matter, is nevertheless a breach. These amendments concerning the serving of alcohol at a polling booth between the hours of 8.00 a.m. and 6.00 p.m. seek to put beyond any doubt that breaches simply cannot happen. They seek to ensure that there will not be a recurrence of the particular situation which took place when VCAT ruled that the provisions of the act were unenforceable in those circumstances.

You have to say that some of that is a bit of overkill but you also need to make the point that the law is the law. In something as important as elections we need to be absolutely pure and correct. Although it may seem to be a little bit of an overkill, I think it is appropriate.

The next amendment deals with the issue of being able to sign a declaration form that entitles you to vote or a declaration form that entitles you to an absentee vote. All of us who have been involved in elections would know that the postal vote form goes out to voters who are registered on the roll; that form has to be filled in, signed by the voter and witnessed; but in essence the application for a postal vote has to be signed by the person who is on the roll. This is absolutely appropriate because we do not want any Tom, Dick or Harry to be able to apply for a postal vote which could go to the wrong address and be incorrectly used.

There are also a number of people who, for various reasons, are unable to sign their names. They may have some injuries to or incapacity of their hands and be unable to sign. Such persons who have these incapacities probably more often than not will not be able to go to the polling booths. Therefore, it is absolutely appropriate that they be entitled to postal votes.

They are required to make a signature or a mark on that absentee application form before they can get the ballot. If they cannot do that, then as the act now stands they are unable to vote. That of course would be an injustice, a travesty and contrary to the democratic process. It would be contrary to all our notions of equal opportunity that somebody, for whatever reason, who was incapacitated in some way and unable to sign would be denied their democratic right to a vote.

The next amendment therefore allows for such a situation. A person who is unable due to some form of physical incapacity to sign their name can still get an absentee voting form by making an appropriate declaration and having that form witnessed by somebody. This highly appropriate amendment will allow people with incapacities who are not able to sign to still be able to vote. Although one would have to say there probably are not thousands or even hundreds of

people affected, democracy is something that is important for every individual. Even if only one or two people were affected, this is an absolutely appropriate amendment and something that is correct. The opposition therefore supports it in every way. Various safeguards are built into that provision in terms of the people who can be witnesses for such incapacitated voters.

The next amendment applies to the issue of absentee voting on polling day. We have all either seen or gone through the fairly tortuous process of making a vote on polling day in a booth where our name is not on the roll. Such voters go to a special area, fill in a whole lot of declarations and have them witnessed by the returning officer. The ballot paper has to go into a special envelope and a special box, and then there is a convoluted process for counting such votes. These votes then have to be distributed across the state. If there is a closely contested count, absentee votes are flying everywhere across the state. It is a fairly antiquated system where these declarations are made. The names are read off a paper roll. Then they are authorised, signed, put in sealed envelopes and so on. One can compare that to the procedure that exists when one makes a prepoll vote. One simply goes to the prepoll station, records one's name on the roll and votes straightaway. One is asked the normal questions of 'Have you voted anywhere else today' and so on, and one's name is crossed off the roll and the ballots are then processed in a much more sensible way.

The next amendment seeks to bring those two processes on to the same basis. It will use new technology to allow people to be marked off the electoral roll wherever they vote, because after all is said and done we all know that the electoral roll is held on a computer. It is something we all access from time to time, and there is simply no reason why the processes that follow for prepoll voting, where one's name is marked off the roll on the spot, could not be entered into a computer and then reconciled and crosschecked with the roll back in the returning office for the particular electorate where you are voting, anywhere in the state of Victoria.

These amendments seek to bring those two procedures together so that wherever you vote on polling day it is simply a matter of going to the absentee voting counter and having your name looked up on the computer roll which can record you as having voted. Therefore if you were to turn up somewhere else in the state or somebody was to turn up impersonating you anywhere in the state, it could be seen that a potential fraud was about to take place.

These amendments will make the voting procedure much simpler and go a long way towards bringing it into the 21st century in terms of using existing technology to prevent people either voting more than once or purporting to be someone else. These issues are eminently appropriate and the amendment allows us to apply the same procedures to absentee votes as those that apply to prepoll voting to avoid the need for signed declarations where the electoral official has a copy of the electoral roll.

It will also make the whole issue of counting and declaring a result smoother, easier and quicker; and for all of us anything that allows all these prepoll votes and absentee votes to be counted and dealt with earlier is very positive. We have all been through the situation where the votes cast at the booth are rapidly counted but where we have to wait for all the prepoll and absentee votes to be dealt with. Sometimes one can wait for very many days. In a tight election that does not really help the democratic process.

The next amendment deals with the question of how-to-vote cards and the registration thereof. We all know that how-to-vote cards now have to be registered, and most of us know how that came about — from the Nunawading how-to-vote scandal, which was the responsibility of Peter the Printer, a man who will go down in history: the Honourable Peter Batchelor. As I said, he is now nicknamed by some of my colleagues as Peter the Printer. He went out and deliberately sought to defraud the system essentially by producing how-to-vote cards which were — —

**Hon. Bill Forwood** — Fraudulent.

**Hon. C. A. STRONG** — Mr Forwood says fraudulent, but I was going to say fake or counterfeit. I notice in that context that Mr Atkinson, with his usual sense of humour, suggested that perhaps Peter the Printer could produce and issue some tokens for the new freeway — —

**Hon. B. W. Bishop** — The tollway.

**Hon. C. A. STRONG** — Sorry, the tollway. For our new tollway we could have a Peter-the-Printer ticket with Mr Batchelor's head in one corner and 'Freeway ticket' printed on the other with the toll. In his usual way Mr Atkinson's sense of humour has touched on the fraudulent nature of some of the members on the other side who are prepared to use any tactics to try to get some advantage for themselves.

We know how the issue of registering how-to-vote cards came about, and given the fraudulent nature of

the ALP and its then secretary, I think it appropriate for them to be registered.

**Mr Pullen** — He must be with a different faction!

**Hon. C. A. STRONG** — My opposite number, Mr Pullen, accuses me of simply trying to fill up time. I am really highlighting the fact that the fraud that was carried out by Mr Batchelor brought about this amendment to the Electoral Act, which requires how-to-vote cards to be registered.

**Hon. R. G. Mitchell** — On a point of order, President, I fail to see how Mr Strong's contribution has got anything to do with the bill, and I ask that you call him back to speak on the bill, please.

**Hon. C. A. STRONG** — On the point of order, President, I am speaking on the amendment which deals with the registration of how-to-vote cards.

**The PRESIDENT** — Order! I note that the member is straying from the bill, and I ask him to come back to the bill before the house.

**Hon. C. A. STRONG** — I was provoked by the interjection! I was just trying to provide some of the background to show why how-to-vote cards need to be registered. We all know that how-to-vote cards have to be registered, and we all know one can only use registered how-to-vote cards within a 400-metre area around a polling booth. One of the confusing issues that has bedevilled a lot of people who do electoral work — I have to admit that sometimes I have been confused about this issue — is the extent to which other electoral material has to be registered. We all know we need to have on them 'printed by' and 'authorised by' and so on, and we all use how-to-vote cards at prepoll and other venues, but there has been some confusion in people's minds about what electoral material has to be registered and what electoral material has to be used. The bill makes it quite clear that how-to-vote cards have to be registered if they are to be used within a 400-metre radius of a polling booth.

However, how-to-vote cards used in prepolles do not have to be registered. In many cases those how-to-vote cards look exactly like the final how-to-vote cards used on polling day, and there has been quite a deal of confusion about whether they have to be registered or not. The amendment puts it beyond any question by providing that prepoll how-to-vote cards do not have to be registered and makes it quite clear that the only how-to-vote cards that have to be registered are those that are used within a 400-metre radius of the polling booth on polling day. So we can produce a different how-to-vote card for prepolles every day if we like, and

there are basically no requirements or regulations dealing with that, except of course the moral one of keeping to one's word if a commitment is made about a certain process for the allocation of preferences. But those cards do not have to be registered, and, as I said, the amendment puts that beyond any doubt.

It does that by inserting into section 156 of the act the words 'on election day' after 'during the hours of voting' to make it absolutely clear, as I have said, that this provision applies only to polling day.

The next amendments deal with the question of political donations, which once again can be a vexed issue. It is certainly a vexed issue in terms of disclosures and a vexed issue of where the money comes from and so on. In essence, for various reasons — and one has to wonder why this happened — the gaming industry is singled out as an industry which has a cap on the amount of money it is able to contribute every year in political donations. Why we do not single out other industries like the alcoholic beverages industry, the tobacco industry or the speed camera industry or anything else like that I guess is lost in history, but the fact remains that the gaming industry is limited to donations of \$50 000 a year.

However, somewhere along the line in the drafting of the various bills Tabcorp has been omitted from that list of gaming industries. So at the moment although there is theoretically a cap on the donations that can come from the gaming industry this does not apply to Tabcorp — and Tabcorp quite clearly is part of the gaming industry. Therefore this omission needs to be fixed up, and this is what the amendment does. It makes it quite clear that for the purposes of these provisions Tabcorp is not able to donate more than \$50 000 per annum to any one political party.

The bill also contains a clause which says that if there have been any breaches to that in the past, those breaches are not actionable, so there are preservation provisions that ensure that this change does not have any retrospective impact on Tabcorp or the political parties to whom Tabcorp may or may not have made donations in excess of \$50 000 per annum.

President, you will probably be glad to know, and members of the house will probably be very glad to know, that I am now going to explain the last amendment, which also touches on and is related to this \$50 000 cap on donations from the gaming and betting industry. Basically the problem here is that the way the provisions of the act are now drawn, it talks about — and I am paraphrasing here — a corporation that is

involved in the betting industry, about its subsidiary corporations and its holding companies, and about all the related corporations and entities to that particular corporation.

So you can have a situation theoretically where, to use the example of Tabcorp, for instance, it may have made a donation of \$50 000 to a political party and some related corporation with which it is not closely aligned also makes a donation. For instance, Tabcorp has recently amalgamated with Jupiters in Queensland, and we could have a situation where Tabcorp had made a donation and Jupiters may have also have made a donation, and as a result of that the \$50 000 cap had been inadvertently breached. You could also have a situation the way the provisions are drawn where even a shareholder of Tabcorp which was a related enterprise — some investment fund or something like that — and which had some shares in Tabcorp could make a donation and inadvertently as a result of that donation the \$50 000 cap would be breached.

I read from the explanatory memorandum on clause 11, which may say it better than I can:

The effect of the new sub-section (3) is to remove the existing paragraph (b). This limits the meaning of a related company for the purpose of section 216 of the Act. This has been done because there may be little, or no, relationship between a relevant licence holder and a shareholder in a related body corporate. Consequently, a relevant licence holder may make a donation to a political party that inadvertently breaches the cap because a shareholder in a related body corporate has also made a donation in the same financial year.

As members can see, that makes it crystal clear what is intended here. I believe I have given the house as full and comprehensive an explanation of these amendments as I can. I think all jokes aside it is fair to say that some of the amendments are slightly esoteric and are things that will probably have very little usage. However, with such an important thing as the Electoral Act, it is in all our interests to see that these matters, be it a belts-and-braces situation, are crystal clear. We in this house all have a very important stake in this bill. Although some of these provisions are esoteric the truth of the matter is that none of us would like to find our election inadvertently put into question because of some very fine point of law being taken up.

That is important so that the democratic process can work properly and there is minimal opportunity for anybody on a technicality to question the election of any member to this house from whatever side that member may come. With those few comments I commend the bill to the house.

**Hon. W. R. BAXTER** (North Eastern) — I think we should always remind ourselves when we are debating amendments to the Electoral Act how fortunate we are in this state and in this nation to have an electoral process which is beyond reproach and the integrity of which is unquestioned. It is something that cannot be said of every other country in this world that considers itself to be democratic. I think we need to hold that very dearly indeed and take every action the Parliament possibly can to ensure that our Electoral Act is as tightly worded as possible and that there is the smallest scope for anyone to engage in any sort of fiddles.

We did see in 1985, as Mr Strong has reminded us, a considerable fiddle exercised by a person who is now a member of this Parliament and, indeed, a member of the cabinet. I do find it somewhat odd that a person who confessed to that is now running the state.

Be that as it may, let me pay tribute to the Victorian Electoral Commission and its staff. The annual report, which has recently been laid before this house, gives a very good overview of the activities of the commission over the last 12 months. It is a most interesting document. It gives some very valuable statistics, and I commend Mr Barry and his staff for their work, not only at election time but throughout the year, and for the other activities they are engaged in on a contract basis, for example municipal and union elections.

This bill has a number of unrelated amendments, some of which have arisen out of the experience of the 2002 general election. I do not intend to go through the amendments seriatim because the Honourable Mr Strong has regaled us at some length on each of the amendments. I simply want to make some observations about a couple of them.

My first observation is to express perhaps a tinge of disappointment, indeed sadness, that the Parliament is here amending the Electoral Act 2002 a little over 12 months after it originally was passed as a major review of the electoral law in this state. To some extent these amendments are not so much being made in the light of experience, but are more to correct sloppy drafting that occurred in the preparation of the principal act. I have to say with some regret that we are seeing this occur more and more with this government. I do not think parliamentary counsel is any less skilled than Mr Finemore and Ms Armstrong were, but I do not recall bills coming before the Parliament, which they respectively were responsible for as parliamentary counsel, having the sort of problems that we are now getting with some bills in the life of this current Parliament. I can only put that down to the government.

It is the government's fault and error that insufficient instructions are being given to parliamentary counsel, or insufficient time is being given for proper reflection to be had as to the drafting. For example, let me just go to one of the amendments.

I said it by interjection when Mr Strong was dealing with it, that the matter of the roll being able to be updated after the actual closing time for the receipt of changes I am sure is what the Parliament intended last year. It was never intended that at the closure of the roll amendments which had been received by the Electoral Commissioner could not be incorporated in an updated roll, yet that is the way in which the act is being interpreted. Clearly there is a lack of clarity, and that should not have occurred.

I express some regret that there is some sloppiness creeping into this government's housekeeping, if I might put it that way, and I call upon the government to be a bit more assiduous and not to be taking up Parliament's time in correcting mistakes that should never have occurred in the first place.

I also want to make the observation in regard to Mr Strong's long dissertation about alcohol at polling booths. Yes, I share his view that we do not want alcohol being served at voting centres, and we certainly do not want to be reverting to the situation of the 1800s when we actually had polling booths in licensed premises with all that might have entailed if one uses one's imagination. Suffice it to say that if there is one benefit of the fixed election date, as we now have, it is that schools will at least know when the next general election is on each four-year rotation and can avoid choosing to have their school picnic, fair, fete, dinner dance or prize presentation on that particular day. So to some extent we are going to overcome the awkwardness which arose in November last year. Of course that circumstance will not be the case in a by-election or if there is a premature general election. Nevertheless, it does seem to me that it is not going to arise as often as it might have prior to the fixing of terms of the Parliament.

So the fixing of terms is incidentally going to give more certainty to school councils in planning their activities in their premises. For example, I am aware that in Wodonga last year the usual principal voting centre was not used because one of the secondary schools had had it booked for its debutante ball for a considerable time, and the voting centre manager, to her credit, decided she would not require the school to give up that booking, and the voting centre was moved to alternative premises. I had grave fear it was going to turn out to be

a real bunfight, but that did not occur, and voting proceeded quite happily and in an orderly fashion.

I want also to reflect upon prepolling, because one of the amendments goes to that issue. Mr Strong has dealt with it in terms of the absentee vote provisions now going towards the prepoll-type voting, and I endorse that amendment. But I do again express my concern about the growth of prepolling, because I think it has the potential to interfere in the operation of democracy in the sense that, if the degree of prepolling continues to grow as it has, we will have a circumstance emerging where a considerable percentage of the population has voted well before polling day, indeed perhaps before the campaign launches. There could be an event occur during the course of the election campaign which would lead people to regret the way they have in fact cast their votes.

I want to reflect for a moment on the percentages of prepolling last year. They vary a lot, and I certainly have not looked at the whole 88 seats in the Assembly, but I did look at 10 per cent. For example, Altona was one of the lowest at 4.5 per cent, but Murray Valley was one of the highest at 17.5 per cent. The range is sort of in between: Benambra, 9.3 per cent; Benalla, 12.1 per cent; South Barwon, 8.3 per cent; and Mildura, 11.7 per cent. It seems to me that as people become more aware that prepolling is available those figures can only increase, and we will have the circumstance where a quarter or more of our voters have voted well beforehand. I can understand why some people want to; they do not want to run the gauntlet on polling day of party workers thrusting how-to-vote cards into their hands; they want to do it at their leisure. I understand that, but prepolling really should, in my view, be limited.

**Mr Pullen** interjected.

**Hon. W. R. BAXTER** — Yes, Mr Pullen, and the house rejected that notion, and that at least would not have led to the problems that this might lead to. The circumstance could well be that we will have a lot of people voting beforehand, and I am not sure that that is going to be in the interests of our parliamentary and democratic system. I have said to the Electoral Commissioner that I believe he needs to be careful in the number of prepoll stations that he appoints, because it imposes a big workload on the political parties, for example. It imposes extra expense in terms of running the election.

I agree prepoll needs to be available for people who will not be able to vote on voting day for good and proper reasons, but there is a logic to all this. If it is to

be done because of distance, in some rural electorates there will be a whole heap of prepoll stations, and if we are not careful we will end up with 50 per cent of people voting beforehand. If that is the case and if we are to have it spread over so much time as that, I advise Mr Pullen that that certainly would strengthen my argument in support of dispensing with attendance voting altogether and sending everyone a postal vote.

Mr Strong referred to the registration of how-to-vote cards. On the face of it there is an anomaly in that how-to-vote cards handed out on prepoll day do not need to be registered, but those handed out on voting day need to be registered. For example, in at least 16 Assembly seats in 2002 the prepoll cards handed out by the Labor Party were different from the registered how-to-vote cards distributed by it on polling day. I am not objecting to that; I am simply making the observation that that is what happened. There were differences.

Is that valid? Do we need to address that matter? We had seen what happened in 1985 with unregistered cards, and if we get to a circumstance where 30 per cent or 40 per cent of people are voting before polling day according to unregistered how-to-vote cards, are we opening up the possibility of the likes of the Minister for Transport's successors masquerading as something else? It all goes to the integrity of the system, and the Parliament needs to bear these things in mind.

I also want to say in passing that taking into account the experience on polling day last year, voting managers need to use their discretion about where they allow persons handing out how-to-vote cards at the prepoll centres to station themselves; they need to be realistic about it. As honourable members will recall, in the lead-up to the election last year some hot weather was experienced, at least in northern Victoria. At one particular prepoll centre the manager insisted that the party workers outside maintain their distance of 6 metres from the door, which I agree is what the regulations say, but it meant that the persons were unable to benefit from the shade provided by the building and the awning. They were forced to stand out in the hot sun, which I thought was ridiculous, Mr Pullen.

**Mr Pullen** — I agree.

**Hon. W. R. BAXTER** — There were not that many people voting. In fact, on one occasion only 10 persons voted for the whole day, so you cannot say that there would be any congestion around the door to the polling place. Some commonsense should have been used so that the party workers — bearing in mind there were

only three of them, representing the Liberal Party, the Labor Party and the National Party — could have stood in the shade instead of in the blazing sun.

The Parliament might need to look at either restricting, if not banning altogether, the ability of candidates and political parties being able to erect propaganda outside voting centres on polling day itself. We are now getting to an absurd situation where walls are plastered with propaganda and posters, and the parties compete to see who can get there first to get the best spots. I got to Wodonga at 6.30 a.m. on polling day but was clearly too late — Liberal and Labor workers had been there well before me and had all their gear set up. More than that, of course, it can sometimes lead, as we saw in the Benalla by-election, to rather unfortunate behaviour, bordering on violence, at the polling centres as the various party workers jostle for positions.

I know a by-election is different — the Labor thugs can come up from Melbourne to country Victoria and do what they like. On general election days they are too busy protecting their own turf in the suburbs. Certainly in the Benalla by-election I saw some very ugly behaviour indeed. So far as I am concerned, and so far as the Nationals are concerned, we would be happy if the restriction against handing out material within 400 metres of the voting centre also applied to the affixing of posters and the like in front of the voting centre. It has got out of hand. I do not think it serves any purpose. It offends some of the voters because they do not want all that forced on them; by then they have either made up their minds or they will take how-to-vote cards. They do not need all that advertising. We have to look at that aspect.

In conclusion, the Nationals are not opposed to the bill. We think the amendments are reasonable. We are sorry that some of them were not picked up when the original bill was drafted, but we have had the experience of the 2002 election. We have a good system in the state, which we must protect. All of us in the house want to protect it. It will need some finetuning from time to time, and I hope the commission will take on board the suggestions that are made by honourable members.

**Ms MIKAKOS (Jika Jika)** — An effective electoral process is fundamental to the maintenance of democracy. Fair and free elections that give all citizens an equal chance to participate regardless of ethnic background, physical ability or education are a measure of the strength of a democracy.

The passage of the Electoral Act in May last year constituted the most comprehensive review of Victoria's electoral laws since 1890, confirming that

this state is a leader in providing an accessible electoral system for all participants in the electoral process. The Electoral Act 2002 was a major achievement. The act is better organised and more concise than previous legislation and makes understanding electoral laws easier for everyone.

The 2002 state election allowed the new legislation to be tested thoroughly. In his report on the election, tabled in June this year, the Victorian Electoral Commissioner identified various amendments to the act that would improve its operation. The amendments in the bill have been requested by and developed in close consultation with the Electoral Commissioner. The changes contained in the bill are sensible, practical amendments that are needed to ensure the electoral process in Victoria remains fair, accessible and efficient.

I turn briefly to the key provisions in the legislation and begin with the delegation of power to determine disputed ballots. Section 120 of the act provides that at a recount scrutineers may request that ballot papers be set aside for determination by the Electoral Commissioner. Section 19(2)(c) provides that the commission cannot delegate the power to allow or disallow a ballot paper at a recount. To prevent delays caused by the commissioner being required to personally decide on small numbers of ballot papers, the bill will enable the commissioner to delegate the power to allow or disallow a ballot paper at a recount when the number of ballot papers reserved for the Electoral Commission's decision cannot affect whether a particular candidate is declared elected. This is a commonsense approach that will allow disputed ballots to be determined, and a poll result to be declared without unnecessary delay.

I turn briefly to the inclusion of changes to the electoral roll. The act does not currently allow the Electoral Commission to include on the electoral roll the names of any electors, or make changes to electors' details after the roll closes, as Robert Dean, the former member for Berwick in the other place, discovered to his chagrin. It has been found that in practice the commission receives thousands of enrolments, or changes of enrolments, at the last minute. Even though the enrolment cards are received before the close of the roll, they cannot be processed before the close of the roll. In practical terms, the processing may continue for a day after the close of the roll.

The bill will allow the Victorian Electoral Commission to include on the roll the name of any elector whose enrolment or change of enrolment particulars — for

example, a change of address — has been received before the close of the rolls.

The provisions in relation to determination of objections to enrolment are fairly simple. Currently where a person lodges an objection to a person's enrolment the Victorian Electoral Commission must make a determination immediately on receipt of the person's answer to the commission's notice of objection. The bill allows the commission to make further inquiries to establish whether the person's enrolment address is the person's principal place of residence. This is instead of requiring an immediate decision on whether to remove the person from the register of electors or retain them on the register, which is impractical in some situations and can lead to unfair outcomes.

Turning very briefly to the prohibition on voting centres selling alcohol, under section 66 of the Electoral Act licensed premises are not permitted to be used as voting centres. A change to this provision is required to ensure that organisations, including schools, with facilities that may be used as a voting centre on election day cannot sell liquor during the hours of voting even if they have been granted a limited licence. The change will not prevent schools from holding fundraising events such as fetes through the hours of voting on election days but will only prevent the sale of alcohol. The holding of such fetes will probably increase with the introduction of fixed terms as it will allow for greater planning. As someone who has often over the years appreciated a warm drink while standing for endless hours outside polling booths on a cold election day, I certainly hope that this is in fact the case.

Turning briefly to the provisions relating to greater accessibility to the electoral process, I note that in recent years the Victorian Electoral Commission has improved access to voting centres for voters with special needs. In the last election, four early voting centres were established at Vision Australia premises, where vision-impaired voters could use braille ballot paper templates, closed-circuit television and electronic magnifiers. This gave vision-impaired voters the opportunity for the first time to cast a secret ballot. Additionally, specially trained staff were available to assist those with particular needs. I note, however, that whilst the commissioner has attempted to have early voting centres in wheelchair-accessible locations, unfortunately this was not the case last year at the Bell Street, Preston, centre for the Northcote and Preston districts. I hope that the commission will rectify this in future.

The bill will add to those measures by allowing a witness to a declaration to note on the form that an elector was unable to sign through physical incapacity, replacing the requirement for the elector to sign or make a mark in such cases. For the 2002 election, the Victorian Electoral Commission supplied early voting centres with notebook computers containing statewide computerised electoral rolls. Election officials could identify electors on the computerised roll, who then placed their ballot papers directly into the ballot box rather than having to make a written declaration and having their ballot papers enveloped. The bill will apply the same procedures to absent voters so as to avoid the need to make a written declaration that they are entitled to vote. The change will therefore speed up both the issuing and counting of absent voters, and it recognises the value that technology can bring to the process.

As all members know, distribution within 400 metres of a voting centre during the hours of voting of any printed electoral material other than registered how-to-vote cards is prohibited by the act. The bill simply makes a simple clarification that both the context and intention of the legislation is that the prohibition relates to election day. It is clear that the provision applies only to election day and not to early voting centres. The registration of how-to-vote cards is not necessary for early voting centres as there is sufficient time for a party or a candidate to seek an injunction if bogus material is distributed from one of those centres. Unlike the previous speaker, I think it is of much greater convenience for voters to have the option available to them to vote at early voting centres, as these days people have a range of family and work commitments that may make it impossible or difficult for them to attend an electoral booth on the day of the election.

The final issue I turn to relates to changes to the cap on political donations. The 2002 act introduced a cap on political donations from the gaming industry by prohibiting holders of licences under casino and gaming legislation from donating during any financial year more than \$50 000 to a registered political party. An amendment in the bill will bring Tabcorp within the meaning of 'relevant licensed holder'. For the purposes of calculating the total donations made by a relevant licence-holder, donations made by a related body corporate, as defined by section 50 of the Corporations Law, are included. This includes a holding company of the relevant licence-holder, a subsidiary of the relevant licence-holder or a subsidiary of a holding company of the relevant licence-holder.

A shareholder in a related company is also caught in the current definition of 'related company'. The bill removes the reference to shareholders, as the provisions

have had a wider impact than was intended. This has been done because there may be little or no relationship between a relevant licence-holder and a shareholder in a related company. Consequently a relevant licence-holder may make a donation to a political party that inadvertently breaches the cap because a shareholder in a related body corporate has also made a donation to the same party in the same financial year. A further change will ensure that donations made since the act came into operation by a shareholder in a related body corporation do not count towards the cap on political donations.

In conclusion I just want to say a few words about the importance of this legislation. It is important to note, and I agree with previous speakers, that we have been very fortunate in this state that there is a great deal of public confidence in our electoral process. I believe that this legislation will in fact strengthen these provisions. Obviously the provisions have been introduced in the light of the last election, which was an historic election in many respects as of course it has produced an historic Labor majority in this house and has consequently brought about a significant and lasting change to how members of this chamber will be elected in the future. It is important of course that the public have confidence in our democratic electoral system.

In respect of the comments made by the lead opposition speaker, I note that in fact an ancestor of a very prominent Liberal in this state was the first Victorian parliamentarian sent to prison for electoral fraud. I am speaking of none other than the ancestor of Peter Costello, the current Liberal federal Treasurer, who is from this state. His ancestor Patrick Costello ran for the colonial Parliament and was elected but sat for only a week.

**Hon. R. H. Bowden** — On a point of order, Deputy President, honourable members on this side of the house are usually rather tolerant, and so we have been listening to the honourable member. I suggest to you that going back over the history of the families of persons who are not members of this chamber is not really relevant to the debate. I ask the honourable member to be aware of the undesirability of maligning people, and I ask you to suggest to the honourable member that this is not a good course of action at this time.

**Ms MIKAKOS** — On the point of order, Deputy President, if the member had given me the opportunity I was going to draw it into one of the provisions which relates to the prohibition on the selling of alcohol at voting centres. I was going to elaborate and say that Peter Costello's ancestor was in fact a publican, and it

was through that occupation that he managed to get several hundred voters to vote for him in that election. It is actually a good illustration of why we now have this prohibition against the selling of alcohol at voting centres.

**The DEPUTY PRESIDENT** — Order! We have had some discursive comments on the point of order. I think it is time to get back to the topic of the bill.

**Ms MIKAKOS** — I was concluding my remarks. I want to indicate that whilst there have been incidents in the past that may have caused electors in our state to question the strength of our democratic institution, we are fortunate that this particular example occurred a very long time ago. I concur with those sentiments.

It is important that we seek to strengthen our democratic institutions and electoral processes to ensure that the Victorian public has every confidence in our electoral system. I believe the changes contained in the bill strengthen the system, and I commend the bill to the house.

**Hon. B. N. ATKINSON** (Koonung) — The opposition is not opposed to this bill. Essentially it brings in some appropriate administrative changes that have been recommended by the Victorian Electoral Commission. They are based on the observations and experience of the Electoral Commissioner at the last election following the passage of a significant piece of electoral reform — the Electoral Act 2002 — which was used in the conduct of the November 2002 election. In the context of the running of that election the Electoral Commissioner observed a number of shortcomings in that act. None of them is substantive or goes to affecting the integrity of election results. That is an important thing in the context of our political system.

One of the things that we can be very pleased about in this state and indeed country is the integrity of our political system. People can rely on the fact that they can cast a vote expressing their own opinion and choice of candidates without any fear of intimidation or pressure and know that that vote will have its full value when it comes to being counted by the political process.

In the context of the legislation that was passed in the last Parliament and the conduct of elections that we have had over many years, people have every reason to have faith in our political system and to know that their vote is cast in a way that the system will treat fairly and with integrity. Therefore this legislation is obviously not terribly controversial. It brings forward some fairly

minor but nevertheless practical amendments for the most part.

I turn to the point of alcohol. Certainly the opposition will not oppose the legislation. Some of my own colleagues might in fact be quite happy with the provision about the alcohol sales. I must say that I find this provision a little arcane, and I am interested in the example that the Ms Mikakos gave as to where there had been a problem with alcohol and its impact on elections. Her example is quite true. One of the reasons we have this prohibition on the serving of alcohol anywhere near a polling booth is because in days gone by liquor was used as a form of bribery, an incentive to get people to cast a vote in a way that might have favoured a particular candidate. Whilst that might be the case of history I really do not know that there are as many people today who would behave in such a way. I am not frankly sure that this provision ought not have been looked at a little more closely, and I am unsure whether it is necessary at all.

Certainly in the context of schools, I would have to say that many of them rely on election day to provide a significant traffic flow for stalls, fetes and other fundraising activities. Increasingly those schools are serving glasses of wine or beer as part of their fundraising efforts at fetes. It is my experience that at every fete where I have seen schools serve alcohol they have been most responsible in the serving of it; they have shown every recognition of the respective laws of the state ensuring that minors are not drinking it and there is no drunkenness involved in that activity. In many ways the conduct of some of those fetes is probably better than you would get from many licensed premises. From that point of view I do not believe there would necessarily be a problem with this, and I am not sure this provision is really necessary at all. In many ways it represents a penalty to those schools that would otherwise use the sale of modest amounts of alcohol as part of their fundraising activities on election day when there was a significant crowd of people present.

It is also my experience, and I am sure that of many other members, that where there are fetes or fundraising activities at these schools, people tend to go and vote first and then go into the fete and wander around or go to the stalls. They tend to try to get the voting out of the way first. I am not sure that in any way the voting procedures would be either interrupted or adversely affected.

Nonetheless, the provision stands in this legislation and it is not something that I would die in a ditch over. Nor is it something my colleagues have necessarily raised as a major issue in the debates that we have had, but in this

day and age we are a little bit more responsible and we have moved beyond the history of publicans in particular influencing election outcomes by dispensing their alcohol as part of a bribe or encouragement for people to vote in a particular way.

This legislation improves our electoral laws. The integrity of our system is important. These changes for the most part, notwithstanding the one I have just dwelt on, are changes in procedures that make the system a bit more user friendly. Certainly they preserve the spirit of the act that came before the Parliament last year which was a successor to other acts that dealt with the conduct of elections. In many ways there is nothing in these amendments that is particularly new or revolutionary.

The Victorian Electoral Commission certainly has a fine record in the conduct of elections. Its experience, particularly at the last election, warrants careful consideration and for the most part endorsement by the Parliament, because the commission's experience and knowledge and particularly its professionalism in the conduct of elections deserves our attention. It is an independent body, it conducts elections fairly, it is non-partisan and for the most part it is looking at elections that will produce results for all parties. And I do not mean results only for political parties; I mean participants — candidates, their supporters, the people who work on the polling booths and the voters themselves. The commission's aim is to make sure that all of those people are involved in a process that is understandable, fair, as easy to use as possible and gives us results as expeditiously as possible.

We sometimes have — and it is quite remarkable I suppose in elections that involve tens of thousands of votes being cast — results that come down to a handful of votes. On one famous occasion we even had a draw, reference to which has already been made in this debate. In those circumstances we have seen that the process in place has validated the votes that people cast, that people who are entitled to vote are given the opportunity, and that wherever possible people who are not entitled to vote but who are trying to take privileges they are not entitled to are unable to vote. As they proceed to the conduct of the election there is a procedure in place that has checks and balances in terms of counts, recounts and appeal processes — anything that is necessary to ensure the integrity of the election outcome.

I guess one of the concerns for many people, particularly the disabled, is the embarrassment they feel at having to sign and validate the vote they cast. It is their right to vote, and under current circumstances they

are sometimes obliged to sign to establish that they are the person entitled to that vote. The clause in this bill that allows a witness to sign on their behalf and validate the vote on the basis that that person is unable to sign for themselves is a fair and proper provision, and it will be an effective one.

The clause in this bill that allows the Electoral Commissioner a period to investigate complaints and allow all matters to be taken into consideration before he makes an adjudication is a very appropriate clause to be included in this legislation. At the moment he is required to put an allegation before a candidate, accept the explanation and then make an immediate determination on whether or not that explanation is satisfactory. As the Electoral Commissioner has said, in some cases it might well be that police investigations are under way, or there might be other evidence that needs to be considered before arriving at a reasoned and fair position that is in the interests of all participants. This legislation allows that to happen, and that is an important factor.

Another point which is minor but nevertheless important in terms of clarification is that this legislation ensures that people who lodge changes to their details as part of the process of finalising the rolls for election — and this has been clarified in the amendments to the principal act proposed by this legislation — will now be assured that their details will be processed and they will be entitled to vote. At the moment there is some concern that the way the act is currently worded could mean that the Electoral Commissioner could interpret the act literally and stop processing all those details at 8.00 p.m. Given the fact that most people tend to lodge those changes in the last few days, many people on the last day and in many cases, as the Electoral Commissioner suggests, during the last couple of hours, it is likely that the changes to many people's information might well not be processed by the 8.00 p.m. deadline stipulated in the legislation. There is currently some ambiguity as to whether or not the Electoral Commissioner should continue to process those details, notwithstanding the fact that administratively it is not a long process with the technology we have available. The question has arisen as to whether or not that deadline applies to the processing of those changes or simply to the lodgment of those changes by the voter. This situation is clarified in this legislation, and the lodgment period is what the 8.00 p.m. deadline is all about. The Electoral Commissioner will subsequently be able to proceed with those changes. That would seem to be an appropriate position. It is one which I and the opposition have no difficulty supporting.

The other substantive change made by this legislation includes a provision that ensures that Tabcorp is not able to donate more than \$50 000 to a political party within a calendar year. This provision seeks to maintain the integrity of our election processes, given that there is a significant amount of money involved in the gaming industry. There are issues of public benefit and public good, and it is important that influence by any party on the conduct of elections ought to be subject to public scrutiny. We already have processes in place whereby political donations need to be declared and made public. This simply clarifies the position again in respect of Tabcorp and ensures that any contribution it might make would be capped, given the nature of that industry and any concerns the public might have about the probity of those donations.

This legislation basically involves administrative changes. It is appropriate legislation, having been recommended by the Electoral Commissioner, and I certainly am supportive of the provisions, with the slight questioning of the provision concerning alcohol, which I am not sure ought not to have had some broader scrutiny in this day and age. Nonetheless I would not oppose this legislation

**Hon. S. M. NGUYEN** (Melbourne West) — I am delighted to speak in support of the Electoral (Amendment) Bill. I also take the opportunity to thank the opposition members who spoke in support of the bill before the house. The bill has bipartisan support because it is the chance to upgrade the electoral system in Victoria.

The elections are very important to the community, and we must ensure that all the complaints about and the important aspects of the last election should be addressed by the Bracks government. It is clear in the second-reading speech of the bill that we are going to amend many things in many sections. It is clear why we should support the changes and what the benefits are for the people who vote.

From time to time elections are very important when some members only win by 10 or 20 votes. If we consider some of the very marginal seats, a few votes can change the result of the whole election. The change to section 120 of the act provides that on a recount, scrutineers may request the ballot papers be examined and the vote determined by the Electoral Commission. I have been involved in politics for many years. I have been a scrutineer for many council, federal and state elections. I have seen a few votes make a lot of difference.

This bill gives the power to the Victorian Electoral Commission to make determinations when a small number of ballot papers may affect the outcome of the election result. This is very fair because a commissioner may not want to make decisions that may affect the overall election result. This bill will give the commissioner the power to feel comfortable with his decisions.

Sometimes after the polls have closed many scrutineers stay to check how the votes went. I have seen disputes between the scrutineers over one or two votes, especially the donkey votes when people have voted wrongly or did not want to vote properly. Some people tick every box instead of putting numbers, and sometimes even though they use numbers, the numbers are not legible. If people write down the numbers very fast and they do not come out clearly, their votes are not counted. In addition, many people from migrant backgrounds do not know how to fill out the card properly, so their votes also become informal and do not count.

Some people may decide to change their vote; but if they rewrite their changes on the same ballot paper by crossing numbers out and making a mess on the ballot paper rather than requesting another paper to fill in, this causes problems in having their vote accepted. In these cases the commissioner can delegate the power to disallow a ballot paper, but only if it will not affect the result in a particular seat.

In the past some schools have used voting days for fundraising — maybe having barbeques and selling lunch with soft drinks, coffee and tea; and some were having garage sales to raise funds for the school. I have no problem with that. I think schools are working hard to raise money, but I have a problem if the school starts selling alcohol during election polling time. The voting booth is the place where people come to vote, and they should clearly understand who they want to vote for. I do not think alcohol forms a part of that. I would not like to see people getting drunk and then coming to vote, thus voting wrongly or being rude to the workers on polling day.

The schools have to use every opportunity they can to raise money, and I always encourage my local school community to raise money for the school. However, to avoid alcohol being consumed at schools while voting is taking place, the bill has been amended so that liquor cannot be sold at the school during the hours of voting.

Some people in the community have a physical problem signing their names and some cannot write properly. Up until now there has been an obligation on

them to make a mark or somehow show their vote on the ballot paper. But now an elector who cannot even make a mark will be able to use a witness to declare that the elector was unable to sign the declaration form due to physical incapacity. That makes things easier for the people with a physical problem.

Postal and absentee votes are very important. Many people are unable to vote on election day because they have to work all day or perhaps they are ill or have gone overseas. These people have to vote before election day, and we should do everything we can to support postal and absentee voting. From now on the rolls kept on notebook computers will be used to identify absentee voters in the same way as they are used for those who vote early, and this will avoid the need for a signed declaration.

It is also important to mention the distribution of electoral material. We do not want bad politics on polling day. People might argue and distribute information against other candidates on the day of the election, and this can cause a problem. It is a good idea not to have anything except how-to-vote cards within 400 metres of the voting centre during the hours of voting. It is a good system, and we support that. We do not support the people playing politics at the last minute by distributing dirty letters against another candidate at the polling booth. Therefore, the only things that can be handed out will be how-to-vote cards. I would like to conclude my speech by saying I strongly support the bill before the house.

**Hon. R. G. MITCHELL** (Central Highlands) — I rise to speak on the bill, and I go back to May 2002, when the Electoral Act was passed by Parliament. The act was the first major revision of Victoria's electoral legislation in a century, and it affected all election stakeholders and participants. It actually came into operation on 1 September 2002, and was in place for the last Victorian election. We all know what a wonderful election that was — Victorians spoke in a clear, concise voice on how they wanted their state to go forward.

The election allowed for the act to be thoroughly tested, and in testing the act the Victorian Electoral Commission identified the need for a number of miscellaneous amendments to improve the operation of the act. These include section 19 of the act, which allows the Victorian Electoral Commission to delegate power to allow or disallow a ballot power at a recount when the number of ballot papers reserved for the VEC's decision cannot affect the outcome. That is a good, commonsense approach because the above

provision can delay the result of an election for no good reason.

The Electoral Commissioner in 2002 was required to rule personally on a small number of ballot papers that could not affect the outcome of the election. In cases where the number of ballot papers cannot affect the result of the election the commissioner should have the power to delegate the ruling on such ballot papers.

We have heard a lot tonight about section 66. Clause 6 amends that section to ensure that any school or other organisation that has been granted a limited liquor licence on election day cannot sell liquor or alcohol during the hours of voting if the school or organisation has facilities that will be used as a voting centre.

The government did what the government does best — it listened and acted. We now have fixed state elections, so we now know that there will be no way schools can have permits for liquor licences when a state election is suddenly called.

Section 29 of the act also provides that the Victorian Electoral Commission must not include on the roll any elector whose enrolment claim has not been received by the close of the roll or must not change any particulars that have not been received by the close of the roll. If we look at that, we would all recall the celebrated case of Mr Robert Dean.

**Hon. J. G. Hilton** — Robert who?

**Hon. R. G. MITCHELL** — Robert Dean. Surely we all remember him!

The rest of the bill is just minor amendments, and for the ease of getting this through and ensuring that we keep to the program, I commend the bill to the house.

**Hon. J. G. HILTON** (Western Port) — I believe I am the last person to speak on the bill. The first speaker spoke for about 55 minutes, and I think I will speak for 5 minutes, so between us we might just make up the hour.

As Mr Mitchell said, the bill makes amendments to the May 2002 Electoral Act which was passed by the previous Parliament. That act came into force in September 2002 and was in place for the last Victorian state election.

I can only reiterate what Mr Mitchell so wisely said: it was a tremendous result, and I am sure the people of Victoria voted in the way they wished so as to return the Bracks Labor government with an increased majority. Despite that tremendous result, the Electoral

Commissioner felt certain amendments needed to be made to the legislation, and this bill essentially achieves that.

There are nine relatively minor amendments, and I am going to speak briefly about three of them. The first addresses the issue of the delegation of the ability to determine disputed votes in a recount. I was subject to a recount in my seat of Western Port Province, so I was very pleased that the process was well controlled and produced what was in my opinion the right result.

We need look no further than what happened in Florida during the last presidential election to understand what can go wrong if there is no control over the recount process. In Florida new terms entered our lexicon and we learned about hanging chads, pregnant chads and dimpled chads. Sometimes I think the old-fashioned way of voting with pencil and paper is probably the right way to go. Sometimes technology can cause more problems than it solves, although I suspect in 50 years time those of us who are still voting will probably be doing it on our personal computers, which we will be wearing on our wrists.

However, with all elections there are votes that can be disputed. The purpose of this bill is to try to ensure that the process used to determine the validity of those votes can be done quickly without necessarily having to refer them to the Electoral Commissioner. One of the clauses ensures that the power to determine a disputed vote can be made by the returning officer in control of the particular division. However, there is a safeguard, which is obviously important, whereby the power can only be delegated when the number of disputed votes cannot affect the final result. If the number of disputed votes can affect the result, the full process needs to be done. As Mr Baxter said, that ensures the integrity of our electoral process, which in a democracy is something we should all cherish and hold dear.

Another important provision is the clause which provides that people who have done the right thing by submitting their papers before the close of the electoral roll will be included. Apparently at the present time there is an anomaly which means that if the papers are not processed by the time the electoral roll closes, they can be disenfranchised. This clause will remove that anomaly.

The final clause, which has been discussed by many members, deals with the sale of alcohol at polling places. Obviously the intent of the 2002 act was to ensure that alcohol could not be sold in the vicinity of a polling booth. However, a Victorian Civil and Administrative Tribunal ruling granted some schools

temporary liquor licences for fetes on dates which coincided with an election, so that in such a situation alcohol could be served. I am sure more schools will be using polling days as a way of increasing attendances at their fetes and other functions that they may determine to hold, and this bill will ensure that that anomaly is removed so that alcohol cannot be served on those occasions.

This is a bill which, despite the 55-minute contribution of an opposition member, has broad support. I believe speaking for 55 minutes is somewhat of a self-indulgence. I have spoken for 5 minutes, which I believe is quite sufficient, and I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

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

That the bill be now read a third time.

I would like to thank all the speakers for their contributions to this bill.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## CRIMES (STALKING) BILL

*Introduction and first reading*

**Received from Assembly.**

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

## TRANSPORT (RIGHTS AND RESPONSIBILITIES) BILL

*Introduction and first reading*

**Received from Assembly.**

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

**ADJOURNMENT**

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

That the house do now adjourn.

**Parliament: computers**

**Hon. ANDREA COOTE** (Monash) — My matter is for your attention, President, and it is about the computer system here at Parliament. At about this time last year a new system was implemented here, which was supposed to enable all politicians to access iNotes from any computer system anywhere in the world. Sadly we believed this system was going to do a lot of things for us. But, as the minister is aware, the Auditor-General's report was fairly damning on what the problems had been and what had gone wrong, and his report details that comprehensively.

Last weekend I tried to access iNotes three times on three different computers with no luck at all; and of course at the beginning of a very hectic parliamentary sitting time it was of grave concern, and obviously I was not alone. This system has now been here for 12 months, and it is really important that it gives us continuity so that we can have confidence in it. My concern over the weekend was that had there been someone at the IT desk who was able to explain that the whole system had crashed I would not have been quite so angry as I happened to be; and indeed I would have been more sympathetic to the whole issue knowing there was a major problem.

I understand that the staff had a very difficult time, and I do feel great sympathy for them and understand that they did a very good job, but my question is: as an immediate step, given that we have had such huge problems with this system, can I ask that you, President, take up with the Speaker the appointment of an IT person who will be able to give us IT help at a help desk on a 24-hour basis, particularly on weekends, so that if there are these problems we can be helped and assisted in carrying out our jobs.

**Buses: Smart Bus services**

**Mr PULLEN** (Higinbotham) — My adjournment matter is for the Minister for Transport in the other place. I refer to the outstanding success of Smart Bus on route 703 and routes 888 and 889 in the eastern suburbs, which has shown a total patronage increase on route 730 of 19.4 per cent and on routes 888 and 889 of 30.4 per cent in the last year. That is in real terms an additional 203 000 passengers. I also note that the number of full-fare-paying passengers has increased by a massive 22.2 per cent on route 703 and 35.3 per cent

on routes 888 and 889. We have also seen an extra 51 trips introduced on route 703 and 94 on routes 888 and 889.

The concept of global satellite technology to give buses priority at traffic signals and to improve the ability for buses to run on time is outstanding. Other improvements include better synchronisation with train schedules; improved safety, comfort and accessibility of bus stops; and making Smart Bus routes accessible to people with disabilities. Improvements also include better lighting and real-time information at bus stops, and the introduction of standard kerb heights allowing easy access to low-floor buses. I believe the most important aspect of the bus routes is the cross-town services connecting railway stations on different lines. They also connect schools, universities, hospitals, shopping centres and so on. I ask the minister whether he can inform me when Smart Bus will be introduced on route 700, which links Box Hill in the east to Mordialloc in the south, in my electorate.

**Road safety: speed cameras**

**Hon. D. KOCH** (Western) — My issue is for the Minister for Police and Emergency Services in the other place. I express concern at the community outcry and the grievance felt by many road users in the Hamilton district who were among 130 booked on the afternoon of 16 October 2003 for allegedly speeding through roadworks. Fifty-five of these motorists were initially advised of licence cancellation.

Let me state very clearly that I do not condone law-breaking activities, including breaking the speed limit, especially in a dangerous situation such as driving through roadworks. In this case, however, there are a number of mitigating factors which need to be looked at. Motorists on this occasion were swooped upon on a stretch of road undergoing roadworks. There was adequate traffic signage leading into the roadworks, but on the exit inappropriate signage failed to indicate the resumption of normal speed limits. Those booked were caught exiting the roadworks. As well, there was no warning of the presence of a speed camera at this site. I understand that this is a statutory requirement at roadworks.

It is difficult for motorists in the local community to accept that police were not merely conducting another revenue-raising operation. Many of these drivers who contacted me both personally and at my office in writing are law-abiding, prominent locals who openly demonstrated their distress and shock at being labelled as law-breakers, many never having had as much as a parking fine previously. Among the complaints I

received I have a letter from a recently widowed farming lady, who was one of 55 victims notified of her licence loss. She expressed her shock and distress at being penalised in this way. This lady has held a drivers licence for over 50 years and has never had an accident. The local sergeant, Dennis Wheelhouse, reported at the time:

The booked motorists need not complain to me because they won't be getting any sympathy.

However, police have now said that although the camera site complied with legal requirements not all police policy procedures were in place. As a consequence of this and the evaporation of community confidence in speed cameras, will the minister investigate the circumstances surrounding this blitz and determine why so many motorists were unnecessarily threatened with the loss of their licences?

### **Point Lonsdale: beach protection**

**Mrs CARBINES** (Geelong) — I raise a matter for the Minister for Environment, who is also the Minister for Water in the other place. It concerns an important issue in a special part of my electorate — a coastal township in the Borough of Queenscliffe, Point Lonsdale. The minister would be aware that over a long period of time the beaches of Point Lonsdale gradually eroded, with the result that beaches were dramatically reduced and the sea wall was battered and exposed. This caused much concern to local residents and to many of the visitors who choose to enjoy their holidays in this charming seaside town.

In response the Bracks government was pleased to construct two timber and rock groynes at Point Lonsdale, which has considerably improved the health of local beaches and provided protection for the sea wall. Given the success of the two groynes, there is much local support for construction of a third groyne at Point Lonsdale to further improve the integrity of the sea wall and beaches. I have received a letter from Cr Val Lawrence, mayor of the Borough of Queenscliffe, seeking my assistance in this matter. I ask Minister Thwaites in the interests of the protection of this beautiful coastline to allocate the necessary funding for the construction of a third groyne at Point Lonsdale.

### **Ombudsman: prisoner complaints**

**Hon. R. DALLA-RIVA** (East Yarra) — I wish to raise an issue with the Minister for Corrections in the other place. It relates to the recent publication of the annual report of the Ombudsman for the year ending 30 June 2003 in which he expresses concern about the fact that a significant workload in his office is related to

complaints from prisoners. The figures show that it is around 21 per cent of the Ombudsman's work, contributing around 673 complaints. Some of the allegations relate to things such as complaints about visits; classification of prisoners; whether they had mail or phone access, and this is good one — buildings and facilities. They obviously were not happy with that. Another was about requests not being met. I do not know if that meant they wanted to leave the buildings and facilities because they were not happy. Twenty were complaining that they were in a restricted regime. It makes you wonder what better place for a restricted regime there would be than a prison.

But in all seriousness, the concern is that we seem to have a situation where some prisoners are using the opportunity to complain to the Ombudsman as an opportunity to grandstand and make trivial issues into serious matters. The Ombudsman admits on page 37 of the report that some issues that seem to be of minor significance in the eyes of the community are large issues for the prisoners, and I draw to the minister's attention some of those concerns.

One was entitled 'Tight fit'. This was where an extremely tall prisoner complained that the green security overalls which he is required to wear during his visits were too small and caused him discomfort. I do not know in what way it caused him discomfort, but this was obviously a complaint. Another one complained about the fact that he required size 12EEEE shoes and encountered problems with tight fitting shoes. We also had the Ombudsman looking at the situation of another inmate who was compensated when three bottles of expensive aftershave which were going to be given to him by his wife were confiscated. The prison system seems to be operating at some level of a joke with the Ombudsman tied up on these trivial issues.

Is the minister accountable to the prison system in such a way that he can afford to have the Ombudsman's time taken up with such frivolous complaints?

### **New Stone Age Dynasty art collection**

**Hon. S. M. NGUYEN** (Melbourne West) — I raise a matter for attention of the Minister for the Arts in another place. The matter is about Chinese art. Today in Parliament House I met with two Malaysian Australians — Peter Kan, an art collector, and Jeffrey Wong. They are keen to lend their Chinese art collection to the state government. Peter Kan has been in Australia for 30 years and lives in Melbourne. He has an interest in the arts. For many years his family has

collected antique items. They now have about 240 items.

The collection is called New Stone Age Dynasty and comprises pieces that are between 2000 and 5000 years old. There were different cultural practices and activities during that period so the works are from several cultures: the Yang Cao culture, the Qi Jia culture, the Ma Jia Yao culture and the Ma Chang culture. Most of pieces in the collection from the Ma Jia Yao culture are similar to those found in Babylon in Iraq. There are Neolithic products which are up to 5000 years old and which come from the provinces of Gan Su, Qing Hai and Ning Xia in the north-west region of China. Items in the collection range in age from 2000 to 5000 years. There are over 240 pieces in different sizes which would fill a whole exhibition hall. The intention of these gentlemen is to share this ancient Chinese culture with the people of Victoria by lending the collection to the state government for a period of three years.

I think this is a great opportunity for Victoria to have access to these items. I ask the minister whether there is any opportunity for the government to use this offer by these Malaysian Australians and to have the exhibition shown around Victoria for a three-year period. I understand we are going to open the National Gallery of Victoria before the end of the year. This is a good opportunity to get the New Stone Age Dynasty exhibition as part of the opening.

### **Hazardous waste: Tiega**

**Hon. B. W. BISHOP** (North Western) — My issue is directed to the Premier. Last Wednesday a number of land-holders in the Tiega area, about 15 kilometres north-west of Ouyen, had a car arrive at their home carrying a letter to be hand delivered, like a summons, saying their farms were on one of the three sites being proposed for the establishment of a toxic waste dump. The five families are shattered and angry at both the high-handed method of notification and the letter itself, which states that chosen land will be purchased either through agreement or through compulsory acquisition, which leaves no space for negotiation.

On the Friday the Minister for Manufacturing and Export visited Mildura to talk to the Mildura Rural City Council and others. He invited the land-holders to come to Mildura to discuss the issue. Anyone with any commonsense who knows how country people work would have the common decency to meet the land-holders on site to get a first-hand look at what the proposal would do to these families — and I add that two have homes in the area. Ministers Holding and

Batchelor should sit at the same kitchen table I have sat at and talk to the families so they can see at first hand the effect it will have on these families in the area. They should talk to the young man who said that while on his header harvesting his crop he could think of nothing else but the letter that threatened his very future as a farmer.

A day spent in the area talking to the locals would have confirmed that productive Mallee farmland is not suitable for a toxic waste dump, and that the government should look closer to where the waste is generated. The Mildura Rural City Council met with the minister, and after the briefing politely but firmly said, 'Our message to the Victorian government is clear. We do not want this toxic waste dump here'.

The farmers and their neighbours who are likely to be affected by the proposal met with the minister and left him in absolutely no doubt of what they thought of the proposal and the way the government was handling the process. This is a huge issue, as the proposed toxic waste dump has an estimated 30-year lifespan and could receive between 1 and 2 million tonnes of waste during that time. Details are very scarce, such as the 30-point criteria for siting such a facility and whether or not there will be a 5-kilometre buffer zone that could see restrictions placed on farming. The list goes on and on, much to the frustration and anger of land-holders battling to manage their future.

I commend the land-holders from the Tiega area on forming the Tiega Survival Group, and I congratulate Bill Morrish on his election as president and media contact. I am committed to working with the land-holders to save their farms and their families' futures. I have worked with the group to draw up a petition which objects to the proposal. The petition is available at a number of sites, including at my office, where further copies are available for those who wish to assist in the fight against this unfair proposal. My request is for the Premier to step in and stop this unfair process of acquiring productive Mallee farmland for a toxic waste disposal facility.

### **Rail: Warrnambool platform**

**Hon. J. A. VOGELS** (Western) — I raise an issue through the Minister for Finance for the attention of the Minister for Transport in another place. An article in the Warrnambool *Standard* of 27 November 2002 states:

A train platform will be built at Warrnambool's Deakin University campus if the Bracks government is re-elected, Transport Minister Peter Batchelor promised yesterday.

Mr Batchelor met with representatives from Warrnambool City Council, Deakin University and West Coast Railway to assess the need for a train stop at the university before announcing the \$250 000 commitment.

He estimated up to 100 students would use the stop throughout the week, while Labor candidate for South-West Coast Roy Reekie said it would also benefit residents at Gillin Park, East Warrnambool and Allansford.

Mr Batchelor said the project could be a community partnership between the government, council, university and West Coast.

‘There are four stakeholders here who can bring something to the agreement’, he said.

Issues such as whose land the station would be on, security, maintenance and ticketing would have to be addressed, he said.

‘Roy Reekie will help work through the local issues. I (will) be asking Roy Reekie after the election to —

make sure this is all built and happens.

I am sorry to say that Roy Reekie, the Labor candidate, has shot through to Scotland, and he probably will not be around for quite a while, although he has promised to be back just before the next election to contest the seat of South-West Coast again. Twelve months ago the minister promised there would be a railway platform at Deakin University within 12 months if the Bracks government were re-elected. Well, the Bracks government has been re-elected and there is still no platform there.

The action I seek from the minister is to come and meet with councils, meet with the university and meet with West Coast Railway. I am still around, and I am happy to take over Roy Reekie’s responsibility and work with these people to make sure this platform is delivered on time and on budget, as was promised by the Bracks Labor government before the last election. I am sorry to say that Labor candidate, Roy Reekie, has disappeared off to Scotland.

### **Hazardous waste: Baddaginnie-Violet Town**

**Hon. W. A. LOVELL** (North Eastern) — I wish to raise a matter with the Minister for Major Projects in the other place regarding the Bracks Labor government’s plan to establish a toxic waste dump between Violet Town and Baddaginnie. The Baddaginnie-Violet Town area is an agricultural production region upstream of the nation’s food bowl. The images created by a toxic waste dump are incompatible with and threaten to destroy the food bowl’s clean and green image. The government is trying to convince us that the toxic waste materials will

be stored securely, but we all know that even with the best of intentions and planning accidents still happen.

There are three streams that run through the site proposed for the toxic waste dump. All of these lead into the Honeysuckle Creek, the Broken River and eventually the Goulburn River. It will be too late for the Bracks government to admit it made a mistake after these streams have been contaminated. The government plans to transport the toxic waste to Melbourne by road. The vehicles carrying these waste materials will cross the Goulburn River at Seymour, and any accident on the bridge could see the toxic waste dumped straight into the Goulburn River.

In the first term of this government there were over 800 inquiries held, but since gaining a majority in both houses of Parliament last November the Bracks government has become so arrogant that it thinks it can just dump Melbourne’s toxic waste on our landscape without any community consultation. The process undertaken by the government of serving letters on land-holders that inform them that their land may be compulsorily acquired for the toxic waste dump has caused anger and confusion in the local community. Last year the people of Central Highlands Province elected their first Labor member of Parliament, Mr Robert Mitchell. Mr Mitchell must have known of the government’s plans to locate a toxic waste dump in his electorate, yet he has remained silent. His silence must be taken as support for the government’s plans.

It is clear that the Strathbogie Shire Council and local residents do not want this toxic waste dump in their backyard. Mr Mitchell should explain to his constituents why he will not stand up to the Premier and the minister and defend the wishes of his constituents. Transporting this toxic waste by road for 200 kilometres is absurd. A site must be found much closer to where the waste is produced. I ask the minister to protect the food bowl of Australia and our region’s clean and green image by eliminating the Baddaginnie-Violet Town area as an option for a toxic waste dump.

### **Western Port Highway, Lyndhurst: residential developments**

**Hon. R. H. BOWDEN** (South Eastern) — I seek the assistance of the Minister for Local Government. I have mentioned this matter regarding actions of the Casey City Council several times, and it is becoming more urgent and of more concern. These concerns relate to the increasing traffic congestion on Western Port Highway between the South Gippsland Highway and Thompsons Road, Lyndhurst. This roadway has an approved speed limit of 100 kilometres an hour. The

eastern side of Western Port Highway is in the territory of Casey City Council. The Western Port Highway at this section has four lanes, with two lanes running north and south.

The Casey City Council has approved subdivisions along the Western Port Highway, and traffic lights are now expected to be progressively installed to enable direct suburban traffic access from subdivisions onto the Western Port Highway. This will cause blockages. The first set of traffic lights is now being installed. This will dramatically interfere with traffic flow on this major artery and will affect tens of thousands of other constituents in my electorate by causing congestion. I call on Casey City Council to suspend or temporarily withdraw any approvals for subdivision not yet completed.

Casey City Council should initiate urgent redesigns to make sure that service roads channel low-speed suburban traffic safely to major intersections where access control can be incorporated. I ask the Minister for Local Government to consult with her colleagues the Minister for Transport and the Minister for Planning to ensure that the Casey City Council temporarily cancels permits until the subdivision designs are adjusted to prevent further dangerous interference with traffic on the Western Port Highway.

### **Hazardous waste: transport**

**Hon. D. K. DRUM** (North Western) — My adjournment question to the Minister for Transport in the other place concerns the transportation of toxic waste from Melbourne to Tiega, should the north-western Victorian site be chosen over the Violet Town and Pittong options. While my colleague the Honourable Barry Bishop asked about the selection and lack of consultation process, my concern is more to do with the method of transportation that the government will instigate to get the hazardous toxic waste from Melbourne to Tiega. As members may be aware, the Calder Highway will have to be used if the government wishes to get the toxic waste to the Tiega site.

Towns south of Bendigo such as Taradale, Malmsbury and Marong and towns north of Bendigo such as Bridgwater, Inglewood, Wedderburn, Charlton, Wycheproof and Sea Lake are just some of the townships — not to mention Ouyen — where there is no bypass, and the Calder Highway passes through them. What assurances can the minister give the residents of these towns as to the specific safety measures undertaken by the government in transporting these highly toxic waste products? What is the likely damage to any of these towns should there be any

leakages while these toxic wastes are in transport mode?

**The PRESIDENT** — Order! Before I call the Minister for Finance in response, I give the Honourable Richard Dalla-Riva the chance to clarify his request to the minister, because initially it did not meet the guidelines.

### **Ombudsman: prisoner complaints**

**Hon. R. DALLA-RIVA** (East Yarra) — I always take the opportunity to talk in favour of the needs of prisoners and concerns associated with prisons in the state. Will the minister take action to ensure that the Ombudsman is not tied up with trivial complaints by prisoners?

### **Responses**

**Mr LENDERS** (Minister for Finance) — I will not touch the matter from Mrs Coote which was addressed directly to the President. The following issues will be directed to my ministerial colleagues for direct reply: from Mr Pullen to the Minister for Transport in another place on the Smart Bus; from Mr Koch to the Minister for Police and Emergency Services in another place on Hamilton roadworks and speeding; from Mrs Carbines to the Minister for Water in another place on the sea wall at Point Lonsdale; from Mr Dalla-Riva to the Minister for Corrections in another place on the Ombudsman's report; from Mr Nguyen to the Minister for the Arts in another place on a New Stone Age Dynasty art display; from Mr Bishop to the Premier on a site in his electorate; from Mr Vogels to the Minister for Transport in another place regarding the Warrnambool rail platform; from Ms Lovell to the Minister for Major Projects in another place on the issue of a site at Baddaginnie; from Mr Bowden to the Minister for Local Government regarding the Casey City Council; and from Mr Drum to the Minister for Transport in another place regarding waste issues.

**The PRESIDENT** — Order! The Honourable Andrea Coote raised with me a matter with respect to iNotes crashing at the weekend. I will speak to the Speaker about that. I remind honourable members that the practice of the house is that before members raise matters with the President they usually as a courtesy advise of that beforehand so they can get a reasonable response. I will respond to the member in due course.

**Motion agreed to.**

**House adjourned 10.11 p.m.**

