PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

13 June 2001

(extract from Book 7)

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By authority of the Victorian Government Printer

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WEDNESDAY, 13 JUNE 2001

Wednesday, 13 June 2001

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That so much of sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

SUPREME COURT JUDGES

Annual report

Hon. M. R. THOMSON (Minister for Small Business) presented, by command of the Governor, report for 1999.

Laid on table.

DRUGS AND CRIME PREVENTION COMMITTEE

Public drunkenness

Hon. B. C. BOARDMAN (Chelsea) presented report, together with appendices and minutes of evidence.

Hon. B. C. BOARDMAN (Chelsea) (*By leave*) — I wish to make a brief statement on the report. Honourable members who have been in the chamber longer than I would remember that in 1991 attempts were made by the Kirner government to introduce a bill into this place to repeal sections 13, 14, 15 and 16 of the Summary Offences Act, which deal with public drunkenness. The then coalition opposition decided it was not in Victoria's interest to go forward with decriminalising public drunkenness. The reasons at the time were quite justified.

The Drugs and Crime Prevention Committee was given the task by the Attorney-General of investigating the appropriateness of the laws as they stand today and to determine whether they are suitable in a modern context. It was also given the task to examine what was occurring in other Australian jurisdictions and to take into consideration reports of the Royal Commission into Aboriginal Deaths in Custody.

It is pleasing that the committee decided unanimously to recommend that decriminalisation of public drunkenness is appropriate today. The committee made those recommendations based on what it had learnt from successes and experiences in the other states, because no other Australian state or territory that has gone through this process has made a real success of decriminalising public drunkenness and providing additional support services and necessary resources to ensure the community would receive the benefit.

The committee's decriminalisation model is based on the proviso of three main points, which I will share with the house briefly. In its general recommendations the committee states:

> Legislation with regard to civil apprehension and detention of intoxicated persons is enacted.

That means it is essential that, in circumstances that warrant it, if a person is intoxicated not just with alcohol but with other drugs, the police are empowered to apprehend the person and release them into the custody of another responsible person; or better still, allow them to be taken to a sobering-up, rehabilitation or detoxification centre so they can receive appropriate support services and counselling.

The committee also recommends:

> That adequate numbers of sobering-up centres and associated services are established.

The committee understands that the allocation of the resources necessary to establish those sobering-up centres would be well and truly justified because they would provide a service to their clients in the community, who will receive complete and comprehensive benefits.

The committee further recommends:

> Comprehensive training for police officers and sobering-up centre staff with regard to the new legislation and any protocols and guidelines associated with it is undertaken.

Those three things must happen in order for decriminalisation of public drunkenness to take place.

The committee makes further recommendations in relation to the taxi and transport industries, local government, and the responsibility of the liquor industry itself. I urge honourable members to read the report carefully so they will understand its recommendations and realise that this is a complex issue. It does not affect solely the indigenous community in Victoria but all Victorians. I commend the report to the house.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Auditor-General — Report on Managing Victoria's growing salinity problem, June 2001.

Monash University — Report, 2000.

Natural Resources and Environment Department — Report, 1999–2000 (*in lieu of that tabled on 31 October 2000*).

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 42.

Hon. D. McL. Davis — Mr President, on a point of order, on the list of papers will the minister explain the delay in the tabling of the annual report of the Department of Natural Resources and Environment?

The PRESIDENT — Order! There are other procedures that an honourable member can use to elicit that information.

Hon. M. A. Birrell — On a point of order, Mr President, I am not worried about that specific issue, but normally an explanation is made as to why a replacement document is being tabled for one already tabled. I am not aware whether that reason has been given, but I would welcome advice on why the report is being tabled in lieu of the one tabled on 31 October 2000.

Hon. C. C. Broad — As the government has done on previous occasions, I am willing to supply the National and Liberal opposition parties with an errata setting out an explanation of the changes.

Hon. M. A. Birrell — Thank you.

PRESCHOOLS: FUNDING

Hon. M. T. LUCKINS (Waverley) — I move:

That this house condemns the government for severely disadvantaging preschool children, parents and teachers by —

(a) failing to provide funds for capital works and necessary maintenance for community-based preschools;

(b) failing to release the Kirby report on pay and conditions for preschool teachers; and

(c) failing to support voluntary committees of management of preschools.

There are 1696 kindergartens in Victoria, and almost all are community based or church run by either local councils or parishes. There are approximately 60 000 Victorian preschool students. Between 1994 and 1999 the previous Kennett government provided more than $10 million for capital works for preschools. Since its election in 1999 the Bracks government has failed to provide $1 for capital works for preschools across Victoria, other than one example to which I will refer later in my contribution — Lake Bolac.

I have conducted surveys with preschools throughout the electorate of Waverley Province and consulted with kindergarten committees of management and teachers across Victoria. Their plight is the same across the state: they have similar challenges, similar workload and fundraising issues and similar needs for minor and major capital works.

In growth corridors across Victoria where new communities are being established there is significant demand for new preschools to be built. On many occasions in the house I have raised examples from my own electorate of preschools that are in dire need of government support. Time and again — if I received a response at all from the Minister for Community Services — their demands and concerns either have not been heard or have not been adequately responded to.

The *Age* editorial of 28 May entitled 'Kindergartens deserve more — the role of early childhood learning needs to be better recognised' states:

> In opposition, the then Labor leader John Brumby promised that one of a Labor government's first tasks would be to restore funding to preschool education. In its first year, the Bracks government gave preschool education a very small increase of $4 million. It also offered kindergarten teachers a 6 per cent pay rise over two years. The teachers said this was not enough — that like primary and secondary teachers, they undergo four years of tertiary training, but receive about 20 per cent less pay. The teachers say they were 'led to believe' that in this year's budget they would get salary increases, with a first instalment in July. But not only were there no salary increases, according to the Australian Education Union, there was no new money at all for preschool education. The government says there was some extra funding for preschools but accepts there was none extra for preschool teacher salaries. In response, teachers are planning to go on strike.

The editorial concludes:

> The role of early childhood teachers is important and they deserve a better deal than they now receive.

After the Bracks budget was brought down this year, strike action was threatened. The *Age* of 17 May quotes Premier Bracks as saying that the union has lost the plot

and describing the strike threat as ridiculous. The article states:

> But the union's Victorian president, Mary Bluett, yesterday refused to back down from the strike threat and stood by her claim that the government's budget was the 'cruellest budget in a decade'.

The words in inverted commas are a quote from the Australian Education Union (AEU). A letter dated 15 August 2000 from the union entitled 'The community call for reinvestment in Victoria's preschools' states:

> Victorian preschools are in crisis. On 27 July 2000 the Victorian preschool community publicly carried forward a message to the Bracks government that it must address the plight of preschools.
>
> …
>
> It is therefore unacceptable that:
>
> Victorian preschools remain funded 35 per cent below the national average;
>
> preschool teachers' salaries are set 30 per cent below their school teacher colleagues which is contributing to the acute shortage of qualified preschool teachers;
>
> preschool group sizes continue at an average of 28 to 30 children …

That is of concern, particularly in light of the government's prep to year 2 initiative, which will deliver an average class size of 21 students.

The letter goes on to say that the union is concerned about parent-paid fees remaining at a level which places financial burdens on families and which provides barriers to access for many working class and rural children who miss out and are disadvantaged. The letter goes on to say that it there are concerns that:

> … excessive workloads are forced upon committee members, parents and teachers and assistants in order to prop up the system.

The teacher situation is getting worse. This year approximately 30 per cent less students are undertaking courses in early childhood education compared to students entering courses in nursing and primary teaching, where salary prospects are better. I have spoken to many of the preschool teachers inside and outside my electorate in the past couple of days, particularly since the threatened strike by preschool teachers was called off by the AEU. They are all curious as to why it has been called off. None of them has been advised what the pay deal is between the AEU and the government. None of them has been advised when the pay rise — if any; it has not been confirmed — will be paid. None of them is aware whether back pay will be part of the deal.

An *Age* article of 9 June states:

> While the pay rises are likely to be significant, it is believed they will not lift salaries for preschool teachers to the same level as primary school teachers.
>
> …
>
> Yet the peace deal appeared to do little to thaw relations between education minister Mary Delahunty and Australian Education Union president Mary Bluett. The minister and union leader did not speak to each other during a function at the Buckley Park Secondary College yesterday and Ms Delahunty's advisers would not allow her to pose for photographs with Ms Bluett.

That says a lot about the government's relations with the union movement. When one looks to the past, particularly at the deal done with the same union last year for primary and secondary school teachers, it is apparent that this government is being severely criticised by the union movement that it seeks to represent.

In its policy before the last election the Liberal Party said that it would fund a pilot program to identify how committees of management might reduce both administrative and staff employment duties. It would have also allocated a $2000 grant to every community-based kindergarten to upgrade computer equipment and reduce the administrative burden. This government has failed to make a budget allocation for computers. The money did not eventuate. Preschools have been provided with only $1000 to use as they see fit, and many of them have had to use that money on minor capital works or have put it towards purchasing equipment rather than purchasing computers and software that would assist committees of management with the burden they face in conducting the administrative duties involved in running a preschool.

I am absolutely appalled by the Labor Government's lack of commitment to committees of management and by the fact that the money provided to kinders was only a one-off grant.

At the Public Accounts and Estimates Committee on 9 August last year the Deputy Leader of the Liberal Party asked the Minister for Community Services:

> Could you just tell me what your capital works budget is?

The minister responded:

> Our capital works budget for preschools is zero ….

When asked to clarify, she responded:

> In terms of building a brand-new kinder from the foundation up. The money is not allocated for that purpose.

I am very concerned about the lack of understanding and responsiveness demonstrated in the minister's administration of the community services portfolio, particularly in regard to preschools. She does not seem to understand that many of the challenges facing preschools across Victoria are demographic. The government needs to be responsive to the needs of each area in Victoria. For example, many preschools in my electorate are between 30 and 50 years old. Some are co-located with maternal and child health centres. All are challenged by lack of storage space and administrative space.

The previous government provided extensive funding to enable preschools to comply with the children's services regulations. Although those regulations may at first glance appear to be onerous, they have the complete support of both the preschool and child-care sectors to ensure the quality of care is maintained and that the world best practice regulatory regime is responsive to the needs of children.

However, there are still many challenges to be faced such as accommodating growing numbers of children in older buildings because of the need for preschools to be more financially viable. In many cases preschools are having to take on more children with fewer resources than they had previously. In some communities fewer young families have resulted in reduced demand. Some preschools, both in my electorate and across Victoria, have had such a long history in the community that some teachers who have been working there for 30 or 40 years are now teaching the children of their former child students at the preschool.

Earlier I mentioned the challenges to growth areas such as Narre Warren, Berwick, Pakenham, Werribee and all the new estates around Melton and Hidden Valley where the demand is escalating and councils clearly cannot keep up. I reiterate that at the Public Accounts and Estimates Committee the Minister for Community Services said:

> In terms of building a brand-new kinder from the foundation up. The money is not allocated for that purpose.

Councils in growth areas face difficulties in accommodating the needs of the many young families who are moving to those areas. The only way they can do that is to raise rate revenue — rates for residents — but clearly the majority of people moving to those new areas are doing so not only because of lifestyle choice but also because the land is cheaper and they can accommodate their families in outer suburbs for much less money than they can in inner established suburbs.

I have heard from councils across Victoria that they feel very neglected by the Bracks government. They tell me that they do not believe their concerns are being listened to or responded to. They are very concerned that they do not have the capacity to continue to fund not only preschools that need major capital works but also the building of new preschools from the foundation up, as the minister said at the Public Accounts and Estimates Committee. Once again, the Bracks government has failed preschool communities.

I conducted a survey of 42 preschools across the Waverley Province and the results clearly indicate that the needs of preschools for capital works and the provision of new play equipment, computers and toys are not being adequately addressed at the moment. It is necessary to have funding available to not only extend the experiences of young children attending preschools but also to ensure that they have a safe and enjoyable environment. Some examples gleaned from my electorate of capital works needs include improved kitchen facilities — which will cost $5000; shade cloths for outside, carpets, curtains, playground equipment, extension of administrative areas, simple things such as cutting down gum trees, storage for play equipment, lino replacement, external painting, airconditioning, bathroom rebuilding and toilet block restructuring. All are basic needs that mean the world to the preschools but will not cost the government much money.

In fact, according to the results of my survey, for all the works required by the preschools $215 000 is needed for capital works and $80 000 for new play equipment, books and so forth. It is not much money and this government has been left a massive budget surplus — the legacy of the previous Kennett government, which managed our economy very well to enable us to provide better for the community while at the same time providing for the needs of preschools, schools and hospitals across the community. It is therefore clear that the Labor government has the funds available to make life for preschool teachers, parents and children very much better with the injection of a small amount of funds.

Before the 1999 election part of the former government's election policy was to continue to encourage co-location of preschools and primary schools to optimise accessibility. Local government and churches cannot be expect to fully fund new preschools or to maintain older facilities. In some areas, with the demands of working dual-income parents, the current sessional preschool structure is clearly not working, and increasingly parents are looking at other options such as incorporating kindergartens in long-day care centres to ensure that their children have access to this very

important first year of education while enabling them to continue to work, as most Victorian families need to do.

The government has completely put this initiative on the backburner. We will see a real change in demand in the future which the government will be unable to accommodate because it has not the foresight to plan now for future needs.

I have written on many occasions to the Minister for Community Services requesting her assistance to meet the needs of preschools in my electorate. I refer to the one response from her for the past year. It is dated 20 December and follows my raising concerns of the Emmanuel kindergarten committee of management in the City of Monash about the need to rebuild its current premises. There is high demand for places at the kindergarten, and it has a terrific reputation and a wonderful committee of management. It also receives extensive support from the church, but the church cannot fully fund the rebuilding of the facility. The response from the minister states:

> Local government is in the best position to involve itself in working directly with its community to develop appropriate infrastructure and services. I would encourage the Emmanuel kindergarten committee of management to work with the City of Monash to address this issue.

Not only was the response unsatisfactory, it did not even respond to the issues I raised in the parliamentary adjournment debate! The fact is the Emmanuel kindergarten is an Anglican preschool and therefore church based, not city based, so the minister did not even bother to read the matter I raised to adequately address my concerns in her response.

On 14 May I wrote to the Minister for Community Services after the minister announced in Parliament that she was allocating $15 000 for the relocation of the Lake Bolac and District Kindergarten. The funding was for capital works needed for improvements to the new location of the kindergarten. I found the minister's decision curious, especially after the minister had told me, both in correspondence and publicly, that there was no money available for capital works. I refer to the minister's evidence at the Public Accounts and Estimates Committee when she said that there was zero funding available for capital works.

For the sake of political expediency the minister has managed to gain $15 000 from somewhere to give to one preschool, which happens to be in the electorate of the Leader of the Opposition in another place, Dr Denis Napthine. It is clearly a political stunt. I have written to the minister asking that she again consider the provision of financial assistance to preschools in Waverley Province and across the state. I also enclosed the list of capital works needs of my electorate. Again the minister has failed.

During the term of the Kennett government preschool teachers never went on strike. They were able to negotiate directly with the government for a funding outcome and had real input into the future direction of preschools in this state. Earlier I mentioned the Australian Education Union letter to me, which referred to strike action on 27 July last year. I refer again to that letter from the AEU to my electorate office, part of which states:

> Victorian preschools are in crisis. On 27 July 2000 the Victorian preschool community publicly carried forward a message to the Bracks government that it must address the plight of preschools.

On 4 October last year the minister issued the following press release:

> The Victorian government has made a breakthrough in negotiations with the Australian Education Union and Kindergarten Parents of Victoria by offering to conduct a formal review of the pay and conditions of kindergarten teachers, community services minister Christine Campbell said today.
>
> Ms Campbell said the review, to be conducted by Mr Bill Pimm, would examine issues involved in the recruitment and retention of preschool teachers.
>
> …
>
> 'The review will consult with all relevant stakeholders but will do so in the recognition that the AEU and KPV are key stakeholders representing teachers and parents. It is envisaged that the review develop appropriate consultative mechanisms', Ms Campbell said.
>
> The review would provide preliminary advice to the government relating to remuneration and conditions of employment by 30 November 2000.
>
> A timetable of adjustments would need to be developed by the review which would provide for the implementation of any financial outcomes. The first adjustment would occur in July 2001 …

The minister has failed on three counts to address the matters outlined in this press release. Firstly, the first review which was to be conducted by Mr Bill Pimm never eventuated. No report was provided to the government by 30 November 2000 because Mr Pimm apparently went on stress leave and was unable to fulfil his contract. This time last year I raised my concerns that even with that time line it would be impossible for the government to make inroads into the needs of preschools and teachers' pay and conditions before the beginning of the school year 2002.

The minister should not have needed to engage the services of a consultant after holding the portfolio for one year. If she needs to go outside of government for advice she must have a lack of understanding of the preschool sector. Indeed, she must hold her own departmental officers in contempt if she believes they are incapable of providing good and timely advice on issues relating to preschools across Victoria.

The second failure, as alluded to in the minister's press release, relates to her mention of consultation with the AEU and the Kindergarten Parents of Victoria (KPV). The AEU has called off strike action and come to some deal with the government on preschool teachers' pay and conditions. As I said, I have spoken to preschool teachers who have had no communication from the AEU about what the deal means to them and when it will be payable. This morning a preschool teacher contacted the AEU and was told that there was no information available. The AEU is waiting for the government and will provide information to preschool teachers in due course. That is clearly not good enough.

The Kindergarten Parents of Victoria was also to be part of the consultation process. During my discussions with that organisation yesterday it became clear that not only has it not been adequately consulted, but it has not been able to see the final Kirby report, the genesis of which I will go into shortly, which is at the moment with the minister. She has failed to release that report. The KPV has not been advised of the recommendations to government. It has not been advised of the outcome for preschools, and has been given no indication of the government's plans to assist voluntary committees of management in preschools.

The third issue in the minister's press release, and another failure, was that the first adjustments would occur in July 2001. It is now mid-June and the government has given no indication that any adjustment will occur by July. It has not released the report, nor has it concluded its negotiations. Preschool teachers do not know what their conditions will be after a backdoor union deal, nor does the KPV have any idea what the negotiations mean to it. So the minister has failed again.

I said I would revisit the fact that it is now the Kirby report and not the Pimm report. I mentioned earlier that Bill Pimm failed to provide his report by 30 November 2000 as he was contracted to do. Over the Christmas period the government was in a quandary and had to find someone else to conduct this review to which it was committed. The government and the minister are clearly incapable of managing a contract, let alone a whole preschool sector.

Peter Kirby was commissioned to complete a report into the needs of preschools, committees of management, and also preschool teachers' pay and conditions, and he was to report to the minister by March. It is now June and still we have not seen the Kirby report. On 31 May the minister gave an undertaking in the Legislative Assembly that she would release the Kirby report. Again she has failed to do so. It is alarming.

Hon. D. G. Hadden — She is considering it.

Hon. M. T. LUCKINS — If the minister is considering it, I suggest she should be consulting with the KPV, which is representing the kindergarten parents who are the main stakeholders, about their needs and apprising them of the recommendations and how they relate to the concerns of kindergarten parents across Victoria. She has failed to do that. It is clear that she has no intention of properly negotiating with or consulting with kindergarten parents in Victoria. Shame on her for not properly consulting with the sector that she purports to represent.

We still have no idea whether the Kirby report will be released before 1 July to enable some of its recommendations to be implemented.

The workload is a real concern to me and to other parents of preschool children across Victoria — as a mother of a preschooler and a grade 1 boy I relate to their concerns very well. They are happy to have the autonomy they are afforded to enable them to make their own decisions about their own preschool communities and their needs, but they are clearly feeling more and more under pressure because of the government's failure to make good its promises to assist this sector. When in opposition the Labor Party was vocal on this issue almost every week in the daily newspapers and criticised the previous Kennett government.

The fact is that all the feedback I have received from preschool communities across Victoria is that they were much happier under the former government. They had certainty then. They knew that when the Kennett government and the minister at the time — Dr Denis Napthine, now the Leader of the Opposition — made an undertaking they would follow through. This government has clearly failed to do that. Not only does the current minister seem to have no idea and no real respect for this sector but she has failed again and again to fulfil promises that she said she would deliver on.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! Government members have been making far too many comments across the chamber. That is unnecessary. They should make their comments through the Chair.

Hon. M. T. LUCKINS — In its preschool policy at the last election the Liberal Party said:

> We value and support the involvement of parents in the voluntary committees of management which run community-based preschools. Much of the vitality and distinctive character of preschools comes from the exercise of parental influence and responsibility. We remain committed to providing every child with the opportunity to experience a year of quality preschooling prior to entering primary school.

That is still the position of the Liberal Party.

I shall refer to some correspondence I have received from committees of management and from one teacher. The first is a letter from Pinewood Preschool Centre in Mount Waverley, which states:

> Our kindergarten committee writes to voice our concerns regarding the struggles with our service due to the ever-increasing administrative workload.
>
> The current situation sees parents having to work up to, and many times over, 30 volunteer hours per week to ensure the effective management of our kindergarten. This is without the adequate technological resources, as our budget does not allow for purchasing this type of equipment.
>
> We need a computer, and we ask the state government to help us achieve this.

This preschool feels let down by the government's failure to deliver on a promise that the coalition government had made to provide $2000 to each community-based preschool across Victoria to lessen the administrative burden by having software designed for the purpose of running preschools and keeping up with supply, ordering, payroll and leave matters. As I said earlier, the government provided $1000, not $2000, and it was not earmarked for anything in particular, which was a complete waste.

A letter from Legend Park Preschool in Glen Waverley states:

> … I am seeking help to apply for or obtain some funding for our preschool because this year we are in a fairly serious financial hole. The money would be for naught else but just to keep our heads above water and putting us back on our feet enough so that we (hopefully) don't fall into this hole again.
>
> …
>
> We have been very lucky this year to have enthusiastic and caring committees (management and fundraising) and we are doing pretty well so far. But we can all see the burnout coming and while most are still very keen to fix our problem we can see that the enthusiasm is starting to fade a bit. I know you understand this; being volunteers we don't always put the preschool first and who can afford to fork out money all the time, particularly as we have only 50 families this year to fundraise with? There is so much to do.
>
> …
>
> We are hoping that we can obtain an extra $2000 from the government in order to shore up the budget for things like making provisions for leave and Workcover, et cetera. We want to be in a sounder financial position to begin 2002 and take the pressure off the fundraising committee and the families.

That is another preschool requesting assistance with funding, which this government has not allocated to cater for the needs of preschools.

A letter from a preschool teacher in my electorate — she is happy for her name to go on the record — Mrs Judy McMurtrie, from the Brandon Park Preschool in Wheelers Hill, states:

> The purpose of this letter is to highlight the disastrous position in which most Victorian preschools find themselves at present and the grim future that faces them if the current level of government funding persists.
>
> … It is not uncommon for group sizes to be as large as 28 to 30 children, whilst there is a ceiling of 22 children on the size of prep classes in schools. The level of stress amongst preschool teachers is high and many are choosing to give up their careers due to poor health and increased workloads. Teachers like myself with valuable years of experience are being lost to the profession.
>
> As well as teachers leaving the profession, there is another reason for the chronic shortage of qualified teachers. School leavers are not choosing preschool teaching as a career option. Is it any wonder that many are choosing to teach in primary schools or secondary colleges where the current rate of pay exceeds that of preschool teachers by 35 per cent!
>
> …
>
> I am currently working in a preschool in the City of Monash that has been operating for 30 years. There is tremendous pressure placed on parents each year to participate in fundraising activities merely to provide the preschool with essentials such as paint and paper for the children's artwork. There is certainly no money to buy new equipment or to replace old and damaged toys. There is a deterioration of standards in preschools that has already gone too far and, if ignored much longer, may be irreversible.
>
> It is time the government listened to the growing concern of many people associated with preschools in Victoria. The plight of preschools in Victoria has for so long been shelved in the 'too hard' basket. Preschool teachers and management committees need your action now if preschools are to survive for future generations of young children!

That is from a teacher of 30 years standing. She is saying it has never been as bad as it is now under this government.

Other issues are involved apart from the lack of funds and the matters I have put into the motion today, and I

shall mention a couple of them. The first is that it is absolutely inappropriate for core funding for preschool communities to come from the Community Support Fund, which the government has used for that purpose. I recall how loud government members were in opposition about what they said was perceived misuse of the Community Support Fund. They said all the money should be used for assistance to gaming addicts.

At the beginning of every school year a per capita grant increase is made for each preschool child in Victoria. It was due to be allocated in January 1999 and would have been granted by the Kennett government had it been re-elected. The fact is that in its first budget the Bracks Labor government forgot to make any provision for this annual increase to preschools. After seven months of preschools having to make do with the previous level of funding in coping with escalating costs, the minister accessed funds from the Community Support Fund for this purpose and has since stated that she plans to rely on this funding source in future. This is an inappropriate use of the money raised from gaming revenue. The fact is that kindergarten education is a core responsibility of government and must be funded from recurrent expenditure through the budget, as it has been in the past in Victoria as well as in every other state across Australia.

The government has again failed. Page 97 of the 2001–02 budget papers contains the only real reference to preschool funding. It states in respect of specific initiatives:

> … funding of $4 million to preschools, continuing the $65 per child increase in per capita grants funded from the CSF 2000–01.

There is not even any additional money. The government is not increasing the per capita grant or making provision in recurrent expenditure for this very necessary increase on which preschool communities depend to buy consumable items such as paint, paper, brushes and paste. The government has failed to make any provision in the budget for expenditure by preschools for capital works, increased pay and conditions for preschool teachers and much-needed assistance to voluntary committees of management. It has even failed to provide for an increase in the money made available to each preschool to ensure that each child has access to proper goods from which to learn.

Kindergarten Parents Victoria has been very concerned about the direction of this government. At the moment it is embarking on a Very Important Preschools (VIP) campaign. In its newsletter of 31 May 2001 it states:

> … KPV is extremely disappointed this budget failed to provide additional support for preschools.
>
> The KPV board urges all our members to participate in our VIP program that calls for government action on each of KPV's five preschool priorities.

The KPV is calling on the government to address the following priorities:

1. Significantly increase preschool teacher salaries to improve public recognition about the value and importance of early childhood education. The costs of these increases must be met in full by additional government funding.

2. Provide additional support for committee-managed preschools to reduce committee workload, particularly in relation to administrative tasks. The fundamentally important role parents have in the management of their services must be supported.

3. Provide much-needed additional funding to preschools this year to ensure preschools remain financially viable and affordable. Our parents, staff and children cannot wait any longer.

4. The government commit to release the Kirby preschool review including all recommendations.

5. The government commit to act on the Kirby preschool review through an open and consultative process.

So much for open and accountable government! This peak representative body of preschool parents in Victoria has not had a briefing from the Minister for Community Services on the recommendations of the Kirby report: the minister has not met with the KPV to discuss the recommendations or to invite feedback on the proposals no-one has been able to see.

Another side issue to this debate is the fact that one of Labor's pre-election promises was to provide subsidies for health care card holders. In opposition Labor promised $14 million over four years to all eligible preschoolers whose parents are health care card holders. After the election Minister Campbell announced that the subsidy would be $250. This Labor initiative has resulted in an increase from 1999 to 2000 of only 0.1 per cent of children attending preschool whose parents are health care card holders. The fact is that under the previous government 28.2 per cent of preschoolers benefited because their parents were health care card holders. Under the Bracks Labor government that figure is 28.3 per cent. The fact is that in areas as highly disadvantaged as part of my electorate this minister has not done enough to publicise this subsidy to families who could take advantage of it and assist their children to have this vital first year of education.

Another issue is the participation rate. In 1999–2000 the government estimated that 96.8 per cent of eligible preschool children attended preschool. The state budget for 2001–02 has a target of a 95.4 per cent participation rate. The government is failing to encourage parents to enrol their children in this vital first year of education. The minister's inaction in promoting the subsidy available to health care card holders whose children could benefit most from attending preschool and her failure to encourage more families to enrol their children in preschool is clearly a matter of concern.

An investigation was conducted by the City of Stonnington through the Victoria University of Technology (VUT) early childhood and family services consultancy to develop a strategic plan for childhood services. Part of the research involved a survey of 120 parents who access preschools, child-care centres and maternal and child health centres in the City of Stonnington. The report made some very pertinent points. I have said on many occasions that if the Minister for Community Services did what I and my colleagues do — that is, speak to preschool communities, gauge their needs and concerns and really represent them — we would not be having this debate today. Page 86 of the VUT report says:

> Another major concern pertaining to voluntary committees of management is that committee members often do not have relevant expertise and thus require some training and support. In other cases, committees need to contract professionals to undertake the administration tasks.
>
> In an attempt to reduce the workload of voluntary committees of management, the KPV was lobbying the former state government to provide voluntary committees of management with an annual grant … to cover the administration costs of preschools. Undoubtedly, KPV will be lobbying the Labor government for additional funding for preschool communities.

The fact is that the previous government gave an undertaking to the Victorian community and the KPV that it would provide $2000 of additional funding to preschools so they could have access to computer equipment and expertise to assist them in their role. This government has again failed to look after the needs of preschools.

One of the reasons for instability in voluntary committees of management is that they are inherently parent-run voluntary committees. Generally parents will stay involved only while their children are attending the preschool. However, there are many, many committed parents in Victoria who stay on their preschool committees well after their children have gone on to primary school. I commend them and all members of the committees of management across Victoria for their commitment to their communities and their children. The fact is we must look at what we can do to alleviate some of the workload. Many models have been proposed in studies done by universities and through consultation and development of policies by the KPV itself. The fact is this government has failed to listen to the needs of the sector. It has failed to listen to the very good ideas put forward by the sector and it has failed to ensure that committees of management remain viable and are able to provide properly for the care and education of their children at preschool centres.

In closing, I reiterate that this government has failed preschools. It has failed to provide funds for much-needed capital works and maintenance for community-based preschools. It has failed to release the Kirby report on pay and conditions for preschool teachers. It has failed to support voluntary committees of management. It has failed to consult properly with the sector and it has failed to be a proper advocate for young children and families. I condemn the government while commending the motion.

Hon. E. C. CARBINES (Geelong) — I am pleased to contribute to the debate on the motion moved by the Honourable Maree Luckins. Rather than condemning the Bracks government, the Liberal and National parties deserve the absolute condemnation of the Victorian people for the cruel blow the Kennett government dealt kindergartens during its period in government. It may come as a complete surprise to the Honourable Maree Luckins, who has just discovered kindergartens, to know that they existed before 2001. She was nowhere to be seen when they were in dire need of her support from 1993 onwards. She was running around Waverley Province as an aspiring candidate and did not have any regard for kindergartens. She abandoned kindergartens in 1993 and as a member for Waverley Province disregarded the needs of kindergarten children during the period of the Kennett government.

When my child started kindergarten in 1993 at St Lukes in Highton I went to the first parents meeting where the teacher explained the need for parent volunteers to assist in the running of the kindergarten management. It was a difficult and onerous task, but I felt an obligation as a parent to become involved in the kindergarten that my child attended so I put my name forward to be on the committee of management. At the first meeting I was elected secretary and I had to work hard to assist in the running of the kindergarten.

Hon. J. M. Madden — A good choice, too.

Hon. E. C. CARBINES — Yes, it was a good choice. The parent volunteers and committee met once a month to resolve issues to do with the kindergarten. In

1993 we were devastated when we received a letter from the then Minister for Community Services, the Honourable Michael John, telling us that our world was to be turned upside down. The letter informed us of a 20 per cent funding cut from 1994 onwards. We had to sort out how we would fund the kindergarten when the teachers salaries would not be met by the Kennett government. It caused major upset and considerable consternation at the kindergarten where I was the secretary.

Hon. M. T. Luckins — On a point of order, Mr Acting President, the honourable member is claiming that the Kennett government took away funding of kindergartens and that the committees of kindergartens were solely responsible for raising funds. That is a false claim, which I ask the honourable member to withdraw.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! There is no point of order. The honourable member is developing her argument. It is a debating point that future speakers are entitled to take up.

Hon. E. C. CARBINES — The truth hurts. Mrs Luckins cannot bear to be reminded that the government that she was a member of dealt such a cruel blow to kindergarten children, their parents and the managements of kindergartens. What a complete hypocrite!

The committee of which I was secretary had to decide how it would deal with the 20 per cent funding cut. At that stage the fees at St Lukes kindergarten were $40 a term. I have to tell the house that even at that level some parents had problems paying — some could pay only a small proportion of the fees so other parents had to subsidise their children. When we found out the funding for our kindergarten would be cut so substantially — to a grant of $800 per child — we took immediate steps to work out how we would charge parents in the next year. We had to increase the fee of $40 a term to $140 a term — an increase of more than 300 per cent!

Not only were we forced to increase fees so substantially, we were told that the parent volunteers would have to be responsible for such things as the payroll, Workcover, superannuation, annual leave and other duties. It was extremely difficult for me as the secretary of the kindergarten and for the parent volunteers to contemplate the onerous burden placed on the management of the kindergarten by the Kennett government. We were extremely worried about it. Along with many other kindergartens in Geelong we joined a campaign to voice our concerns and circulated a petition that was presented to the Kennett government. Guess what? It fell on deaf ears!

In 1993 we decided to have a kindergarten day of action. The St Lukes community decided it would decorate the kindergarten with red balloons that the children had blown up as a symbol of hope that the Kennett government would listen to the parents and change its hard-hearted, cruel, cynical approach. Guess what? It paid no attention to us!

As parents we attended a public meeting at which Liberal members of Parliament also attended. I remember that the honourable member for South Barwon in the other place, Alister Paterson, and the former honourable member for Geelong, the Honourable Ann Henderson, attended the meeting. I do not think Mr Bill Hartigan, a former member for Geelong Province, turned up. They listened — but guess what? They did not do anything about any of the issues parents and teachers were raising that night. They could not have cared less. The kindergartens in Geelong were dismayed and disheartened.

I remember that our kindergarten asked the children to paint a picture of what the kindergarten meant to them. We ran a competition and compiled a book of all the pictures. It was presented to the office of the honourable member for South Barwon because we thought he would be interested to know what kindergartens meant to four-year-olds. We were really disheartened when we rang his electorate office later and asked his secretary what he thought about the book. The response was, ‘What book?’. They had lost the book containing the paintings our children had painted. It was indicative of the interest in the issue of the honourable member for South Barwon!

I remember taking my daughter aged four and my son aged two to a demonstration about the lack of support for kindergartens shown by the Kennett government. We made signs and placards that we held up at the rally. My two-year-old son in the pusher held up a sign that said, ‘Pick on someone your own size, Jeff’. That sign got a lot of coverage. Jeff Kennett and Denis Napthine were picking on children as young as 2, 3 and 4 years of age. They were taking on the big guys, weren’t they! They couldn’t have cared less.

What happened to our kindergarten? Our fees rose from $40 to $140. What did that mean for children in the Highton area? It meant that some children could not go to kindergarten the next year. I have a friend, a single mum with three children under the age of six, who said that when the time came for her child to go to

kindergarten the same year that my son was due to go he could not go because she could not afford to send him. That child has since started school without completing any preparatory year; the child will go through school without having gone to kindergarten. Why did the child not go to kindergarten? Because when in government members opposite delivered a cruel blow to kindergartens from 1994 onwards.

The Honourable Maree Luckins read from a number of newspaper articles, and I also have some that go back to the years when she was in the Kennett government. She spoke about basic items that had to be at kindergartens. You do not get more basic than toilet rolls! Page 4 of the *Diamond Valley News* of 18 March 1997 is headed 'Toilet rolls BYO at struggling kinders'. Honourable members should remember that this is the Kennett government, which sought to deliver a cruel blow to preschool children in Victoria, and did so. The opposition this morning has moved a motion condemning the government, and cynically through the motion wants to rewrite history.

Hon. I. J. Cover — On a point of order, Mr Acting President, I have been listening to the contribution of the honourable member for the last 13 or 14 minutes or so, and she has talked about the fact that the motion condemns the government for a range of matters, such as failing to provide funds or capital works, failing to release the Kirby report and failing to support voluntary committees of management.

While I appreciate that in these debates on Wednesday mornings honourable members can by way of background range across issues and refer to them in an historical context, it is important that the honourable member be directed back to the motion before the house, which talks about the failure of the current government and its activities. It is important that she address those issues in terms of the current government and its failure to provide what is set out in points (a), (b) and (c) of the motion.

Hon. E. C. CARBINES — On the point of order, Mr Acting President, I am building my case. Honourable members listened to the opposition member leading the debate this morning for more than an hour, and I have been on my feet for less than 10 minutes.

Hon. B. C. Boardman — On the point of order, Mr Acting President, we do not want to make an issue of this because we are taking this debate seriously. Mr Cover is correct in saying that this is a serious debate that must be addressed by the government to ensure that any achievements in this area of policy can be clearly put on the record. The historical context in which the honourable member is presenting her case at this stage far exceeds the latitude the Chair might give under the circumstances.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! On the point of order, the honourable member has been rebutting points put by Mrs Luckins. She has also been using extensive personal experience to make her case. I am certain within a short period we will come to the big picture.

Hon. E. C. CARBINES — The article states, and what it says is typical of struggling kindergartens run under the former government:

> Some Kindergartens in Banyule have asked parents to contribute basic requirements, such as toilet paper, to keep fees down.
>
> Banyule Preschool Association president, Teresa Bennett, said she was aware of the three kindergartens in the area that had asked parents to bring goods, but she declined to name them.
>
> 'Three have said they were asking parents to bring toilet rolls and one of those was asking for toilet rolls and masking tape', Ms Bennett said. 'That represents 10 per cent of our membership'.
>
> Ms Bennett said times were tough for Banyule's kindergartens, with enrolments down across the city.
>
> 'We have a number of kinders that have low numbers and it is very difficult this year because we are only funded per child (not for the teacher's salary)', she said.
>
> 'Kinders …have had to look at ways to raise money and save money, and bringing things in is one of them.
>
> Ms Bennett said some Banyule kindergartens had looked at reducing the number of teacher hours or introducing extra sessions, for which parents paid, to raise money.

The truth hurts. Page 33 of the *Herald Sun* of 26 March 1997 — the Honourable Denis Napthine was the minister responsible at the time — carries the headline 'Preschool cuts 'shame'' and states:

> Victoria spent less than any other state on preschool education, the Australian Education Union said yesterday.
>
> …
>
> 'These facts are to Victoria's same, the Victorian government shows by its actions that it doesn't care about the preschool age children'.

That was under the former Kennett government.

An article in the *Herald Sun* of 11 March 1997 carries the headline 'Fees force children out of kinders', and states:

> Higher fees have forced some children to miss out on kindergarten, according to the Brotherhood of St Laurence.
>
> And almost half of low-income families struggled to find the money to send the preschoolers to kindergarten.
>
> Three per cent of children could not attend kindergarten at all because of the cost, and some families had withdrawn their children from kinder after a short time because they could not afford it.

That was the case at the kindergarten where I was the secretary. I have a letter dated 1998, which was sent to the Honourable Denis Napthine, the then Minister for Youth and Community Services, by the Shire of Campaspe. It states:

> A major concern is that our council, as has many other Victorian local governments, invested strongly in developing the social capital — the volunteers, relationships, networks, trusts and cooperative efforts necessary to involve the community in managing and maintaining services. It appears that many of our community-based early childhood services will have difficulty in attracting and maintaining volunteers due to the onerous responsibilities expected in running such services.
>
> A compounding implication is that many parents have in the past been provided with a positive experience in being a volunteer in their child's preschool and they often continued to contribute as a volunteer in other service areas (schools, clubs, et cetera). The reaction to the regulations by many of our existing parents is very negative, and may lead to a decrease in volunteerism in the long term.

That fell on deaf ears. I have a letter of 16 July 1998, which was sent to the Honourable Denis Napthine by a lady in Lake Bolac. It states:

> Once again it appears that the decent law-abiding volunteers are being penalised for their efforts. The fact that there are any local kindergartens operating is due mostly to the dedication, commitment and financial assistance of the parents committee.

There are many examples of applications made to the Kennett government for assistance that fell on deaf ears.

At page 107 of his April 1998 report the Auditor-General reported to the Kennett government regarding preschools. The former government did not want to listen to kindergarten teachers or to ordinary Victorians, and it did not want to listen to the Auditor-General. I shall read into *Hansard* what he said, because the truth hurts. Under the heading 'Fees charged by stand-alone kindergartens', he states:

> Fees charged by stand-alone kindergartens have increased significantly over the past five years.

Who was in government during that five-year period? The Bracks government? No, the Kennett government! The Auditor-General's report continues:

> As indicated in table 6D, prepared on the basis of data provided to the department by funded services, the increase across Victoria has been around 120 per cent since 1993 with the major increase in 1994 when funding was changed to a per capita basis and the overall funding level was reduced. The table also indicates that in the past four years, annual fees across Victoria have increased by around 23 per cent. This compares with an increase of around 9 per cent in the standard per capita funding category over the same period.

In the same report, the Auditor-General made the following comment in paragraph 6.37 on page 108 under the heading 'Additional contributions by families':

> Anecdotal evidence indicates that since the change to per capita funding, families of children attending stand-alone kindergartens have been increasingly required to make additional contributions in the form of:
>
> > fundraising, estimated by Kindergarten Parents Victoria, which is a body established to provide support to parents and committees, to generate $5 million per year;
> >
> > an annual levy in lieu of fundraising activities; and/or
> >
> > voluntary input to committees of management. Kindergarten Parents Victoria has estimated that around 20–30 hours voluntary labour per week is required to ensure a service runs efficiently, equating to $25 million per year in labour costs across the state. This level of contribution is due to the transfer of administrative tasks associated with the employment of staff from the department to committees.

On page 109 in paragraph 6.39 the Auditor-General commented as follows on the funding impacts for services in the preschool sector:

> Feedback received during visits to services, in addition to matters raised in public submissions, indicated that the 1994 funding changes have caused a number of operational problems for many services. These include:
>
> > Difficulties in responding to changing enrolments from one year to the next. In years of lower numbers, services can face financial difficulties and the children attending in that year can be disadvantaged. This was seen as a particular issue in some rural communities.
> >
> > Committees of management experiencing stress in relation to achieving financial viability with the reserves of some services diminishing. The department has not undertaken any overall analysis of trends in the financial position of services since the 1994 funding changes …

the Kennett government did not care less —

> The need for services to take action which impacts on the quality of the services provided. Action taken —

listen to this —

> has included engaging less experienced teachers to run the preschool program, increasing the number of children in the program and, in turn, adopting less favourable staff/child ratios, increasing fees, placing

increased pressure on staff, reducing planning time and/or closing the service. This was a particular issue for community-based long-day care centres which have also been affected by a loss of funding from the commonwealth government and, in some cases, from local councils.

The last point on which the Auditor-General commented was the difficulties for services in funding capital requirements. On page 110 the report states:

6.43 As indicated in part 4 of this report, assessments of safety undertaken as part of the audit identified a number of physical aspects of buildings which did not meet minimum standards. These included problems with the safety of internal doors, gates and fencing, the lack of protection from unsupervised or unauthorised entry, access by children to kitchens, and the absence of smoke alarms and emergency lighting. Some of these situations may relate to services which have been exempted from specific building requirements either by the department or under the regulations.

6.44 There was evidence during assessment visits and in public submissions that some services were having difficulties in funding capital requirements. Some expressed concern that funds from previous sources, including local councils, were no longer available. This situation placed increased pressure on committees of management to undertake fundraising activities for this purpose or to defer maintenance and capital works. In these circumstances, it is unlikely that the deficiencies identified during the audit will be addressed in the short term by some services.

There you have it: the previous government did not want to listen to parents, teachers, the volunteers or the Auditor-General, either. We all know what the previous government did to him!

That is why I reject the motion. The Kennett government had many messages about what had happened to kindergartens — they fell on deaf ears. The previous government did not care. The motion is cruel and cynical.

Last year in its first budget the Bracks government introduced a $4 million grant to kindergartens across Victoria. This year in the second budget that funding of $4 million was made recurrent. Already funding to kindergartens has increased. In addition a payment of $250 was made available to health care cardholders to try to offset the heavy impost that fees pose for parents of preschool-age children. Last year, kindergarten teachers agreed to a review process as part of a 6 per cent pay increase. In addition, a one-off $1400 goodwill grant was made to all kindergarten teachers. That was agreed to by the Australian Education Union (AEU) and Kindergarten Parents Victoria (KPV).

The Kirby review, undertaken last year during October, November and December, created huge interest among all stakeholders in the preschool sector. It is a fine example of the Bracks government consulting the stakeholders — that is, teachers, parents, kindergarten communities, and peak bodies such as the KPV. That review took place over three months. Forms were available on which people could send in information, submissions were received and forums were held. The review was handed to the government in May — it is now only mid-June — and it is currently being considered by the government. The important thing about the government's review is that it is being considered, it was a consultative review and it will be released — and not only will it be released, it will be acted upon. Unlike the Kennett government, which never consulted kindergarten communities when it imposed its 20 per cent funding cut — —

Hon. M. T. Luckins interjected.

Hon. E. C. CARBINES — You just do not want to hear it. The former government never consulted kindergarten communities. It had lots of feedback from kindergarten communities that what it had done was cruel and was hurting kindergarten communities, including preschool-age children — the most vulnerable children in the state — and the previous government did nothing about it. The Auditor-General flagged the major issues in 1998. The Kennett government could not care less — it did not act upon them. Unlike the former Kennett government, the Bracks government has consulted. It has already put more money into kindergartens. The Kirby review will be released shortly, and not only that, it will be acted upon. In my electorate of Geelong Province I regularly meet with kindergarten teachers.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! Mr Rich-Phillips is out of his place!

Hon. E. C. CARBINES — Last year I attended a public meeting of kindergarten teachers called in my electorate. Guess what? I was the only member of Parliament there — no member of the opposition was there. They could not have cared less — there was not one of them there. That night I listened to kindergarten teachers who told me of their concerns. I listened to parents, AEU representatives, and people from the general Geelong community who have an interest in kindergartens. I was the only member of Parliament there listening.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! Mr Rich-Phillips is out of his place!

Hon. E. C. CARBINES — I took the information back to the minister. I also received a copy of a petition to be tabled in the Legislative Assembly, which the honourable member for Geelong, Mr Ian Trezise, later tabled on behalf of the people who attended the meeting.

Just last week I met with a delegation of Geelong kindergarten teachers in my office in Geelong. It was a very good meeting. They recognise and freely admit the deep problems entrenched in preschool education in Victoria as a result of what the Kennett government did to preschool education.

Victorians know about the hypocrisy of the opposition whose members run around the state trying to make out they care when everyone knows that when they had the opportunity to do something, they did nothing. The opposition treats Victorians likes fools, but the public does not forget. I have a message for opposition members: Victorians remember and that is why they are in opposition and the ALP is in government. They may not like it but it is true.

As I said, we had a productive and healthy meeting. I was pleased to hear that a number of productive meetings had been held around the state, including with the department. Consequently, the Australian Education Union has called off its strike. One of the main reasons for calling the strike was kindergartens, but the strike was called off because the teachers know the Bracks government is addressing their concerns. They know and have faith in the government.

What has the Bracks government done since it has been in government? What has it done for kindergartens? It is interesting to look at what has been achieved in the short 20 months it has been in government. The former government took seven years to damage the state but in 20 short months the Labor government has laid the foundation blocks for the rebuilding of kindergartens throughout the state. Victorians will remember the Bracks government for that, just as they will remember what the opposition did to kindergartens. People do not forget. There is no point in treating them like fools; they are not fools.

In its first year the Bracks government committed more than an additional $9 million to funding Victorian kindergartens, representing an increase of 12 per cent on current funding. That contrasts with the 20 per cent cut imposed on preschool education in Victoria by the former Kennett government. The recent state budget confirmed that the government's commitment to a $65 per child supplementary preschool grant will continue. That commitment for additional recurrent funding represents approximately $4 million.

Hon. M. T. Luckins interjected.

Hon. E. C. CARBINES — The $4 million is recurrent funding. The first budget contained one-off funding, but this budget contains recurrent funding.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! Interjections are disorderly, Mr Best.

Hon. E. C. CARBINES — They are crying foul, Mr Acting President. In 1999–2000 the Bracks government provided grants of $1000 to all funded independent community-based preschools. The government commissioned the Kirby review, which included a full and extensive review of the whole sector over three months last year. The government received the report in May and is at present considering it. The Bracks government has significantly increased the participation rates in Victorian kindergartens. Under the Kennett government the participation rates of eligible four-year-olds declined dramatically. I know about that because I experienced that decline when I was secretary of the Highton kindergarten. I knew of children in the Highton community whose parents could not afford to send them to kindergarten under the Kennett government's policies. They were expected to move to primary school education without that fundamental preschool year as a direct result of what the opposition did.

Hon. B. C. Boardman — Name them.

Hon. E. C. CARBINES — You couldn't care less about preschool children! The participation rate in the final year of the Kennett government fell to under 92 per cent. This year the participation rate for kindergartens is 96 per cent — more than a 4 per cent increase in the participation rate as a direct result of the re-engagement of communities in preschool education by the Bracks government. That is fantastic news.

The motion reeks of hypocrisy. It is a cruel, hard-hearted motion that completely rewrites seven years of preschool education neglect under the Kennett government. The motion is opportunist and cynical. Rather than criticising the government the Liberal and National parties deserve its condemnation for what they did to preschool education.

The Kennett government was warned. The Leader of the Opposition in the other place, then the Minister for Community Services, received hundreds of letters and petitions containing thousands of names but it all fell on deaf ears. In 1998 the Auditor-General presented a report in which he flagged the issues; he presented the facts in black and white, but Kennett and Napthine said, 'Forget it' and they ignored the warnings. Mrs Luckins was part of that government but she did nothing for preschool education. Preschool education did not start when her children started school: preschools had been operating for years, as far back as 1993 when my children started kindergarten.

The former government did nothing for voluntary committees of management except to increase the workload to up to 30 hours a week for parent volunteers. How cruel was that! They forced people into fundraising. I have never sold so many lamingtons as when I was secretary of the Highton preschool establishment. It takes the sale of a lot of lamingtons to raise enough money to pay a teacher's salary!

Hon. M. T. Luckins interjected.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! Mrs Luckins!

Hon. E. C. CARBINES — Opposition members wonder why they sit on the benches opposite!

Honourable members interjecting.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! I ask the house to settle down and allow the honourable member to finish her contribution.

Hon. E. C. CARBINES — The cruelest thing of all — it will never get off the hook for this — is that the former government condemned and abandoned preschool children throughout Victoria. It abandoned the children for seven cold, hard years. Victorians have not forgotten that. The motion is about rhetoric and rewriting history. Nobody in Victoria is such a fool. I condemn the Liberal and National parties in opposition and I firmly reject the motion.

Hon. R. A. BEST (North Western) — It gives me pleasure to speak on the motion on behalf of the National Party. It is important to reflect on the make-up of the chamber and what attracts people to this place — to ensure we get rich, contestable debate on issues of public importance. Some honourable members may be lawyers or teachers and others have sporting backgrounds; it all adds to the fabric of the place.

Hon. R. F. Smith — What about unionists?

Hon. R. A. BEST — I include you, too, Mr Smith — unionists and farmers all add to the fabric of a person's character and their ability to contribute to debate. Unfortunately today the house heard from Mrs Carbines one of the most appalling contributions I have ever witnessed in this house. We have learnt today why Mrs Carbines stood for Parliament and on what basis she was compelled to seek political representation. It was based on hate, which is one of the most appalling and sad reasons for becoming a public figure.

In her contribution the honourable member said that kids in her preschool were used in a political issue. She was prepared to use those children to get a political point across to the previous government. That is an absolute abrogation of responsibility. It is a shameful act and I think you are an appalling woman!

Hon. E. C. Carbines — On a point of order, Mr Acting President, I take extreme exception to Mr Best saying that I am an appalling woman, and I ask him to withdraw.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! I did not hear Mr Best say you are an appalling woman. I certainly heard him say that your speech was appalling. I do not believe there is a point of order.

Hon. R. A. BEST — With respect, Mr Acting President, I did say that I thought Mrs Carbines was an appalling woman because of the way she used the children. I am prepared to withdraw the comment. It is quite clear that unfortunately Mrs Carbines used her position in her capacity as a kindergarten secretary — —

Honourable members interjecting.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! I ask the house to settle down and allow Mr Best to develop his argument.

Hon. R. A. BEST — I am simply referring to remarks made by the honourable member during her contribution. As *Hansard* will show, she made unqualified comments about the actions of her kindergarten, of which she was secretary, and spoke of the way it questioned the policies of the previous government. I believe it is fair and reasonable to question the role she undertook as secretary, the role that she undertook as a responsible person — —

Hon. E. C. Carbines — As a volunteer parent.

Hon. R. A. BEST — As a volunteer parent, and those children were exposed to a political campaign that was not an issue for them. It was appalling behaviour. The honourable member said she had never sold so many lamingtons. It might be that that is a career more befitting her future opportunities.

On behalf of the National Party I support the motion because it reflects the frustration of parents, teachers, local government and communities. The motion should be supported because it demonstrates the lack of action on the part of this government and the lack of commitment in this year's budget. As Mrs Luckins said, there were only three lines on the issue in the budget.

The issues that need to be addressed include capital works, maintenance, pay and conditions for teachers and assistance for committees of management. I turn to the Labor Party policy document produced in the lead-up to the last election headed 'Labor: new solutions'. Chapter 3 refers to universal preschool education. Unlike Mrs Carbines I do not intend to go back over the past seven years because the motion clearly asks the question: what is the government doing and what is the government's commitment to preschool education? The Labor Party document states:

> Labor will ensure that all Victorian children have access to one year of four-year-old preschool education.

I believe that statement has support from every side of the house and all parties agree that children should have at least one year — —

Hon. W. I. Smith — Two years.

Hon. R. A. BEST — And in some cases, Ms Smith, two years of preschool education. The document continues:

> Preschool education is one of the building blocks to give children a good head start in learning and an invaluable tool for identifying learning difficulties at an early stage of the child's education. Currently too many children are denied this important learning opportunity.

I believe that is a fair statement of fact, and I accept it. The document further states that Labor will improve the standard of preschool education by:

> Removing the financial risks confronted by parents who volunteer to work on committees of management;
>
> Improving the administration functions of preschool centre committees of management to encourage economies of scale in areas such as insurance, building maintenance and financial services;
>
> Improving the career structures and professional development of early childhood educators;
>
> Increasing informal parental involvement in the development of curricula; and
>
> Improving the links between preschool, primary and specialist education to identify and treat learning difficulties earlier.

They are admirable objectives. The document then refers to child and family services and states that a key commitment of the government is to:

> Offer a fee subsidy of $150 for all four-year-olds from low-income families to ensure access to quality preschool education. This would benefit 26 000 children in the fourth year of a Bracks government.

So, although the government identifies what it is prepared to do and says it will provide the money, it also says, 'But not just yet'. It will provide money in the fourth year. It has signalled that it is prepared to acknowledge the problem, but as has been demonstrated in the allocation of this year's budget, there is no money. Clearly what the government said when in opposition has not necessarily led to any solution through budgetary allocation; the dollars do not support the rhetoric.

That situation has been evident throughout country Victoria. Again we are in a circumstance where country areas, in particular our preschools, are under pressure. They are under pressure in a number of ways, and I shall go through them to explain to the house, and in particular to Mrs Carbines, that members on both sides of politics get involved with their local preschools and try to resolve issues for the preschools and their committees.

A number of issues are associated with preschools. Firstly, each year there is generally a change of personnel on the committees of management. That fact is acknowledged by all members of the house. That situation causes a range of problems, particularly as people with little experience are asked to become involved in the administration of preschools. It takes parents six months to learn the administrative responsibilities of a preschool committee, and for the next six months they continue to administer the preschool well. However, as soon as their child leaves the preschool invariably that experience is lost and new families seeking preschool education are faced with having to go through the process of attracting committee membership and involvement and working in a voluntary capacity to ensure their child is exposed to the best level of preschool education possible.

Secondly, there is the issue of fundraising, which has always occurred at preschools. I put on the record my experience from when my children went to preschool. It was necessary to fundraise because, firstly, we wanted to reduce the amount of fees we had to pay and, secondly, we wanted to improve the services we were trying to provide. To suggest that preschool committees have never had to fundraise in the past is not only mischievous but is totally wrong. It is most important to ensure there are sufficient staff to look after the kids.

It is appropriate, and I think this government has commented on it, to pay for preschool teachers' salaries, but the level of student or assistant ratios is an issue for committees of management to decide — they make the decision as to the amount of assistance they would like for their preschool teacher. As I said, fundraising is not new but it is an issue, particularly for small communities. It is hard to continually raise funds from a small base. As an example I will later refer to a preschool that caters for only 10 or 11 families.

Thirdly, there is the issue of the location of preschools. In country areas preschools are in all sorts of configurations and in all sorts of places. They can be in church halls, community halls, infant welfare centres, or they can even be mobile. However, the children's services regulations the previous government introduced in 1998 present new challenges for local preschool committees in bringing accommodation up to standard. My colleagues in the National Party have raised concerns about this issue on a number of occasions on behalf of their preschools. National Party members discussed this only recently in the party room and we all had issues of concern. Whether it be honourable members from the other place, such as my leader Peter Ryan, the honourable member for South Gippsland; Noel Maughan, the honourable member for Rodney; Hugh Delahunty, the honourable member for Wimmera; or my colleagues here, such as the Honourables Jeanette Powell, Barry Bishop and Bill Baxter; all have raised issues of concern.

Issues which I have raised in this house and which I want to bring to this debate are consultation, ministerial responsibility and ministerial action, because clearly we have a problem with this minister concerning answering correspondence and the release of the Kirby report. She seems prepared to take an inordinate amount of time before answering correspondence or responding to issues raised on the adjournment debate or by local government.

My concern relates to the siting of the preschool at Dingee and the community's desire to establish a K–12 college at the East Loddon P–12 college. On 29 November 1999 I wrote to the Department of Human Services suggesting that assistance be provided to the preschool at Dingee to address the concerns of the local community. I am disappointed that I did not receive a response until 24 March. I raised the issue in Parliament on 21 March and did not receive a response. The shire then wrote to the minister on 24 May and it took until November 2000 for it to get a response. It is an appalling abrogation of ministerial responsibility that an issue I raised in 1999 received a response in November 2000, 12 months after the issue was first raised.

It is worth putting on the record some of the background to this issue, because the Dingee preschool currently operates from the supper room of the Dingee hall. This information on how preschools operate throughout country Victoria will be illuminating to many regional and metropolitan members. The Dingee preschool offers a service to preschool-age children from the area taking in the communities of Mitiamo, Dingee, Calivil, Serpentine and Milloo. It is an isolated and remote area with each of those towns boasting a population of no more than 120 people. At the completion of the preschool year children from the area then attend East Loddon P12 college, which is located in the centre of this area.

The school council gave in-principle support for the development of an East Loddon K–12 college, which is an issue I raised back in early 2000. It offered to assist with the management of the preschool service, which I am sure honourable members are aware is an onerous task for any voluntary preschool committee. The school is offering to assist in the management process and at the same time give the opportunity for preschool children to be located more centrally, for the benefit of the children and the parents. At present more than 98 per cent of the students at the college travel by bus, so we are talking about creating a school precinct from the kindergarten year through to year 12. It is estimated that there will be 17 preschoolers in 2001–02 and 20 in 2003, but the rural nature of the area should not cause a reduction in the quality of the preschool service.

Currently the five preschools in the Loddon shire are at Inglewood, Wedderburn, Pyramid Hill, Boort, and obviously, Dingee. Unfortunately because of the numbers the Dingee preschool operates on only two to three days per week and the council is looking to establish a site for the erection of a preschool by offering land adjacent to the P–12 college at East Loddon, and intends to seek funding from the government. As I have explained, significant fundraising is already being undertaken. However, the Dingee preschool committee is being asked to raise

$3000 in 2000 in addition to the fee of $125 that is paid per term for each child. The $3000 required will be spread over the 11 families I referred to earlier, which is an enormous drain when other sporting pursuits and community activities also rely on fundraising.

The major concern is the lack of government funding for capital works, which in this case is alterations and a relocation to comply with the children's services regulations. Loddon Shire Council put forward three options. The first was to stay in the rented hall supper room, spend approximately $60 000 on renovations but still not have exclusive rights to the building.

The second option was to share a building at East Loddon P–12 college. I believe that would have been a great outcome, but on inspection of the college with regional representatives it became apparent to me that none of the buildings could be suitably converted to ensure compliance with regulations relating to young people.

The third option was to relocate a building or build a new facility on land adjacent to the P–12 college owned by the Shire of Loddon, which as I explained would provide the opportunity for the establishment of a K–12 facility. It would maximise the use of school bus services, provide opportunities for parents and other school-aged children to attend classes, assist with other activities such as reading, and enable optimum utilisation of the college facilities, including the gymnasium and library. To its credit the preschool committee has been proactive and positive. Despite the challenges ahead of it, it has tried to find a solution to this issue. It should be noted that in 1998 a community survey and meeting voted overwhelmingly to relocate the preschool service to the East Loddon P–12 college, and the shire supported that move.

When the shire wrote to the minister I asked to be kept informed. That was in June, so I was somewhat surprised when I received a reply from the minister on 4 December, although the letter was dated 16 November. That was 12 months after the first issue was raised. There are ministers in this place who perform much better. I urge the Minister for Community Services, the Honourable Christine Campbell in another place, to be aware that returning correspondence is important and it reflects badly when one is so tardy.

When the minister responded she at least acknowledged in the first paragraph of the letter that she regretted the delay in responding to the correspondence. She went on to say:

> In relation to the legislative requirements, in order for the service to become fully compliant by 2003, consideration could be given to changing from a 'standard' to a 'restricted' licence. A number of identified issues would no longer be of concern. I refer as an example to the need for the provision of junior toilets.

The minister is saying to a community that is aspiring to create a K-12 school that she will not support it. She would be more satisfied with a change of registration. Rather than tackling the issues involved in the provision of a new K-12 facility, she wants something that is less onerous, less forward looking and of a lower standard in the provision of services. The minister also went on to advise:

> Currently there is no funding available for capital works in preschool services.

Not only did she take a long time to respond, she then told me there was no money. She also refused to even visit this unique school precinct to look at what could be created by an innovative and enthusiastic school community in one of the major areas of her portfolio. She basically told them to go away and to solve their own problems.

I am delighted to report that following a meeting held a fortnight ago between the Loddon Shire Council and the local parliamentary representatives, my colleague Barry Bishop, the other member for North Western Province; the honourable member for Swan Hill in another place, Barry Steggall; and me, we were advised by the council that it had taken the bit between the teeth and would resolve the issue itself. It is budgeting to spend $160 000. The council has already purchased a 10-module removable building from the Ascension College site at Junortoun near Bendigo. I am delighted that a community that has received no government assistance but was told by the minister to go away will achieve the establishment and creation of a K-12 at East Loddon through the single-mindedness, determination and commitment of a voluntary school committee. This will be of enormous benefit because it will reduce travelling time for parents who have to drop a child off at East Loddon and then drive a preschooler over to Dingee. It is a sensible outcome and should be applauded.

This is not an isolated case of local government having to act alone to resolve a preschool issue in its community. There is concern throughout country Victoria that the government is not honouring its commitment to preschools. I know committees of management, teachers, parents and local government are all concerned. It is worthwhile recording a banner headline from the Wangaratta *Chronicle* of 4 June which states 'Kinder betrayal' and 'What we feel is

we've kept our bargain, they haven't'. The article states:

> Preschools are on the verge of industrial action unless current talks with the state government result in positive outcomes.

Further headlines include one in the *Herald Sun* of 30 October 2000, 'Kinders in crisis as teachers quit', and in the *Age* of 23 January, 'Kindergartens under threat'. A cover story by Caroline Milburn in the *Age* of 25 April headed 'Kinders in crisis' reports:

> Victoria's kindergartens, once the pride of the nation's preschool sector, have fallen on hard times. Things are so bad that teachers are fleeing to employment in primary schools and parent committees of management are floundering.

An article written by Nicola Webber in the *Herald Sun* of 16 May states:

> The parents who run Castlemaine kindergarten were pinning their hopes on yesterday's budget. They wanted it to include some extra money to help make teaching preschool an attractive job. They hoped they might then get applications for the teaching job they have been unable to fill all year. But Castlemaine kindergarten president Pia Hewitt yesterday said the centre now could be forced to cut classes.

As I said in my introduction, the National Party is concerned at the current situation of preschools. I am delighted to announce that the National Party shadow Minister for Community Services, Noel Maughan, the honourable member for Rodney in another place, is today distributing a preschool discussion paper on behalf of the National Party. I congratulate Mr Maughan for a well thought out document that addresses the key issues of concern to preschools. The discussion paper is not a policy, but a discussion paper that addresses a number of key issues for the many people within the industry including teachers and representatives of preschool councils or local government areas. The goal of the discussion paper is, as stated clearly on page 3:

> Given that the early years of a child's life are crucial in determining how that child will develop and behave as an adult to provide the best resourced preschool education system that can be devised.

As outlined in the discussion paper, there are about 60 000 children enrolled in the state's 1700 kindergartens. There are three levels of funding. Most kindergartens receive a grant of $949 per child. Rural kindergartens receive $1188 per child and small rural kindergartens receive $1782 per child. That reflects on the demographics and difficulties associated with the establishment of preschool centres in country locations.

I will highlight some of the major issues on which we are looking for feedback. Salaries for preschool teachers is one of the contentious issues that is being addressed at the moment. Currently the union is pushing further pay demands. A number of teachers are exiting the preschool system because while they have the same qualifications they receive substantially less remuneration than their primary school counterparts. Currently they are paid about 25 per cent less than similarly trained primary school teachers. The National Party is seeking advice and comment on the case for parity of preschool teachers with primary school teachers. We have an open mind on parity of payment and remuneration for primary school and preschool teachers.

The National Party has an open mind on the issue of career structure and the fact that in most cases preschool teachers have reduced working weeks compared with primary school teachers and therefore their salaries can be much less.

National Party members are also interested to know whether appropriate career structures can be identified for preschool teachers. More importantly, we wonder whether the career structure should continue to be administered under the community services portfolio or whether it would be more appropriate for it to be located in the Office of Schools. There is a potential for investigating whether the administration of preschools should be moved from the responsibility of community services to the Office of Schools, where there are a lot of synergies and issues that would assist in the learning and development of children, particularly those in rural settings. Although the circumstances may be different in the metropolitan area, particularly in regard to travel, school bus usage and the full use of resources such as school buildings, a number of arguments and issues could be addressed. The National Party just throws those suggestions on the table and would like to receive some feedback on them.

The administration also needs to be examined. As has been demonstrated in this house, many families know that as soon as they send their children to preschool invariably they will be asked to become involved in the committee of management. Many of them may not have the skills or the expertise, but they are expected to become involved, and it is appropriate that they become involved. The National Party seeks comment on whether employment of staff, payroll and industrial relations issues are best dealt with by an organisation such as the Kindergarten Parents Victoria, by local municipal councils — as occurs in the City of Knox — by local committees of management, or by a blend of all three. If the present mix is to remain, should the

smaller preschools that have enrolments of fewer than 20 children receive an administration grant of, say, $2000 a year to purchase professional assistance? This issue is of major concern to the parents involved throughout the community.

An associated issue is the co-location of preschools and primary schools. I have given an example of a development that is occurring in country Victoria. The community in the Shire of East Loddon desires the creation of a K-12 school precinct. The parents in the shire are prepared to fundraise and contribute their own money, and the shire council has supported them through the purchase of a building and the donation of land for the establishment of the school precinct.

The National Party is interested in hearing the views of both parents and staff on co-location. It is prepared to ask community members to have their say on whether this is a good idea or a bad idea; whether it should be considered; how such a proposal may proceed in the future; and whether preschools should be co-located with primary schools. The National Party is prepared to listen. It is concerned about the difficulty of attracting professionals to country Victoria. It is difficult to attract not only schoolteachers but also qualified preschool teachers, who receive only two to three days work per week in the country. It is a very difficult challenge to meet, and country areas face the same challenge in attracting a whole range of health professionals.

In conclusion, the National Party is prepared to look for this information. I hope people will take the opportunity to contribute to this discussion paper, which the National Party will use to assist it in formulating its policy on preschool education. This is a very appropriate and timely opportunity to have input on a very difficult issue in country Victoria. It is a real issue that must be attacked and addressed.

As the house has heard there have been a number of changes since 1992, including a change of government. The issue is now to address the problems. It is no good looking back at history and saying, 'You did this'. The government now has the opportunity to pick up the ball, run with it and solve the problems.

This is a very worthwhile motion because it addresses the government's inaction and lack of budgetary and financial commitment to the preschool sector. All honourable members agree — this goes across party lines — that at least one year of preschool education should be provided. No-one is contesting that. The issue is how it should be funded, where the responsibility should be located, and how we can enhance the professionalism of the boards of management that look after and control preschools in their communities.

I welcome the motion moved by the Honourable Maree Luckins. She has covered a range of issues in a lengthy but very valuable contribution, and I urge the house to support the motion.

Hon. ANDREA COOTE (Monash) — I have much pleasure in speaking on the motion, and I commend the Honourable Maree Luckins for bringing it to the attention of the house. Preschool is the first port of call and formal entry to education for small children and their parents. It can be a challenging and emotional time. It can be the beginning of a very positive and fulfilling long-term association with education and learning.

Hon. M. R. Thomson — Lifelong even.

Hon. ANDREA COOTE — Yes, it can be lifelong. On the other hand it can be the beginning of a disastrous journey. Under this minister the children of Victoria are on the disaster path. They are commencing their journey with lack of funding, low teacher morale and teachers on strike. What a way to begin!

The first point mentioned in the motion is the government's severely disadvantaging preschool children, parents and teachers by:

> (a) failing to provide funds for capital works and necessary maintenance for community-based preschools.

In her contribution to the debate Mrs Carbines spoke at length about what occurred in 1998. I remind the house that it is now 2001 and the Labor Party has been in power for almost two years, so it is quite out of the question to go back and speak retrospectively. This motion is about the future; it is about today and where this Bracks government is not taking us.

Perhaps I should remind the government about the ALP's policy during the 1999 election, which was:

> A Labor government will ensure that all children, regardless of their socioeconomic status, special needs or geographic location will be given the opportunity to have their developmental, social, physical and emotional needs met through access to good quality children's services in their early years.

I must say the budget certainly reneges on all of that. It totally disregards most of it.

An article in the *Age* of 28 May this year states under the heading 'Kindergartens deserve more':

> The role of early childhood learning needs to be better recognised.

> … In its first year, the Bracks government gave preschool education a very small increase of $4 million. It also offered kindergarten teachers a 6 per cent pay rise over two years. The teachers said this was not enough — that like primary and secondary teachers, they undergo four years of tertiary training, but receive about 20 per cent less pay. The teachers say they were 'led to believe' that in this year's budget they would get salary increases, with a first instalment in July. But not only were there no salary increases, according to the Australian Education Union, there was no new money at all for preschool education.

That is absolutely shameful. It has been very interesting to see it from the point of view of the *Age*.

I remind honourable members that the ALP's election promise was 'regardless of special needs or geographic location'. I quote from an article that appeared on the opinion page of the *Age* of 17 May. It is a touching story from a mother named Elizabeth Manning about her disabled child. She talks about preschools and what the Bracks government is doing for them, and states:

> Yet I could find no mention of the preschool support program in the budget papers. This will mean children with very severe disabilities will still only receive assistance from integration aides for some of their kinder hours.

Once more, a very shameful situation. The peak lobby organisation for kindergartens in Victoria is Kindergarten Parents Victoria. I commend Carol Allen who has been the executive chairman of KPV for some considerable time on the excellent work she does with her organisation. However, the KPV is also damning of the budget and what the Bracks government has done, or indeed not done, for kindergartens. The KPV bulletin of 31 May states:

> While KPV welcomes the conversion of $4 million in the state budget from the Community Support Fund into recurrent funding, KPV is extremely disappointed this budget failed to provide much-needed additional support for preschools.

The KPV has five preschool priorities including the need to:

> Significantly increase preschool teacher salaries to improve public recognition about the value and importance of early childhood. The costs of these increases must be met in full by additional government funding.

The KPV did not see that government funding in this budget. It states:

> The government missed the opportunity in its state budget to address the impact of the funding cuts initiated by the former Kennett government that have resulted in high parent fees, a shortage of preschools teachers, increased group sizes and overworked parent committees.

It missed the point and missed the opportunity. The Community Support Fund is an interesting funding body. It was set up under the Kennett government and has been an excellent tool. It has done some excellent work but recurrent funding was never part of the Community Support Fund under the Kennett government; rather, it provided key support for seed funding. I was horrified to see in this budget that the government will allocate recurrent funding from the Community Support Fund to support kindergarten teachers. I remind the house that the Community Support Fund is gambling money: we are using gambling money to support our preschools. I think it is very salutary to understand and realise that.

I would like to correct one point the Honourable Elaine Carbines made. She was very damning of the Kennett years but I would like to put on the record that one of the achievements of the Kennett government, among many, was that per capita grants to preschools increased by 18 plus per cent between 1994 and 1999. During the same period kindergartens received over $10 million for minor capital works. That is something for the Bracks government to strive for; I wonder if it can meet the challenge.

Mrs Carbines spoke at length about a meeting she attended in Geelong with, I believe, the Geelong Kindergarten Association. I shall quote from an article from page 3 of that very auspicious newspaper the *Geelong Advertiser* of 14 May. Mrs Carbines said how thrilled people, and particularly people in Geelong, are with the Bracks government but that is denied in this article. It will be very interesting for honourable members to learn what the Geelong Kindergarten Association had to say about the Bracks government. Under the heading 'Kindergartens in crisis' the article states:

> Fiona Lynch, the executive director of the Geelong Kindergarten Association (GKA) — an organisation that represents almost half of the city's preschools — said the government's per capita funding system has left kindergartens and parents trying to finance the day-to-day needs of preschools and in some cases supplement teachers' salaries.
>
> 'It is a very serious issue,' she said.

Mrs Carbines went on at length about how bad the Kennett government was — here is positive proof that the Bracks government is letting down not only kindergartens right across Victoria but also kindergartens in Geelong. I think the Geelong member should be suitably horrified.

Hon. I. J. Cover — It is a shame she is not in the house to hear that.

Hon. ANDREA COOTE — It is a great shame she is not in the house. I am sure she would be very interested to hear that.

Hon. R. A. Best interjected.

Hon. ANDREA COOTE — As the Honourable Ron Best said, she is prepared to use children as political — —

Hon. R. A. Best — Political tools.

Hon. ANDREA COOTE — She uses them as political tools and that is not good enough.

The second part of the motion condemns the government for failing to release the Kirby report on pay and conditions for preschool teachers. The Honourable Maree Luckins spoke at great length about this and I will not go into it except to refer again to the ALP election policy. I remind honourable members that this is what the ALP said before it thought it was going to get into government and we have seen no commitment to it since. The ALP promised to:

> Improve career structure and professional development of early childhood educators.

The Liberal Party policy of the same time was to do something tangible to:

> Fund a pilot program to identify how committees of management might reduce both administrative and staff employment duties.

That is a tangible and very plausible approach. I return to the KPV bulletin of 31 May to show how it highlights the need for support for this part of the motion and how it feels that there is a failure on the part of the government on the Kirby report. One of the priorities of the peak lobby organisation in Victoria is for the government to:

> … commit to release the Kirby preschool review including all recommendations.

It is interesting that the KPV refers to 'all the recommendations'; obviously it feels that some recommendations will be left out. The KPV says the government should commit to act on the Kirby preschool review. I also call on the government to act on the preschool review when we get it.

As I said before, small children starting in the kindergarten system under the Bracks government are at a huge disadvantage. As many of my colleagues have alerted, they face strikes. I remind the house of the *Age* article headed 'Teacher pay deal lifts strike threat' of 9 June, which states:

> A carefully worded union statement said the government was 'close to finalising' pay increases for preschool teachers and that they would take effect from next month.

Victoria's 1500 preschool teachers earn 25 per cent less than primary school teachers. Mrs Carbines spoke about the Kennett government but what has the Bracks government done? It has done nothing in this budget to address these issues. It has been in government for almost two years, when will we see some action?

The final part of the motion concerns the government's failure to support voluntary committees of management. This situation is absolutely atrocious. The parents of kindergarten children are a vital and integral part of our community. As I said in my introduction, it is important for children to be involved and for their parents it is often their first step on the learning and education process. A lot of parents enjoy being involved with their kindergartens; they enjoy the fundraising and having an active role in something that is so important to a small child's life. The ALP policy of 1999 said it would:

> Reduce workload of committees and encourage economies of scale in areas such as insurance, payroll and other financial services, by networking centres.

The Liberal Party recognised the importance of the committees of management to such an extent that it put the issue at the front of its policy. It said:

> Much of the vitality and distinctive character of preschools comes from the exercise of parental influence and responsibility.

I quite agree with that approach. Kindergarten Parents Victoria also called for action and says that one of its priorities is encouraging the government to provide additional support for committee-managed preschools to reduce committee workload, particularly in relation to administrative tasks. It further states that the important role parents have in the management of their services must be supported.

I am aware that other speakers want to contribute to the debate so I will refer briefly to some of the issues in my own electorate. I was interested to hear the Honourable Elaine Carbines say that the number of children attending kindergartens is increasing, but in my electorate the number of children attending kindergartens is reducing and cost is said to be a major factor. In fact, the Ardoch Early Childhood Reference Group in the minutes of its meeting of 14 February says that the TRY South Yarra preschool is in urgent need of works to the outdoor area, including removal of branches, new sand and sandpit covers and general ongoing maintenance. It also says that the number of

children attending kindergartens is falling dramatically in the Albert Park and Port Melbourne areas because of funding issues, particularly involving low-income families. It is of grave concern that many young children are not even able to attain the first rung of schooling at kindergartens.

I refer to the recommendations of the ministerial review of preschools services of the Stonnington Family and Children's Services Network. It says that a number of kindergarten children are leaving or not even attending kindergarten because many were run by local churches, and the churches are now more concerned with looking after the aged rather than preschool children. The review further says that many parents find it expensive for their children to attend kindergarten and are not sending them, which is in direct contrast to what the Honourable Elaine Carbines said. The City of Stonnington has a number of people in public housing, and the kindergartens in that area cannot keep the numbers up because the parents cannot afford to send their children to kindergarten.

The Bracks government is failing the children of Victoria. It is extremely important that young children have the opportunity to make that first and important step of preschool. I condemn the Bracks government for its lack of attention to this area. The motion moved by the Honourable Maree Luckins is putting the government under scrutiny, and I indicate that the Liberal Party will be watching to see what happens in the future. I have much pleasure supporting the motion.

Hon. D. G. HADDEN (Ballarat) — I speak against this ill-considered motion and I propose to say why it is ill considered. The first thing the Bracks government did in coming to office, through the Minister for Community Services, the Honourable Christine Campbell, was to conduct a review of the roles and responsibilities of voluntary preschool committees of management. The review was conducted as a result of correspondence received by the department, the minister and various members of Parliament. Issues were identified and the department decided it needed to further explore the matter, and as a consequence a number of consultations and public forums occurred last year.

The consultative forums were held across Victoria in regional and provincial cities such as Ballarat, Shepparton, Moreland, Horsham, Lilydale, Geelong and Dandenong. More than 1000 parents were involved and a feedback form was developed to be completed and returned to the department, which enabled committees of management of kindergartens to be totally involved in the review process. The outcome of the review conducted by the minister was contained in a letter, which included a summary of the findings of the review, that the minister wrote to all preschool services.

Hon. M. T. Luckins — When was this?

Hon. D. G. HADDEN — Last year. As a result of the review and the findings it was decided that all preschools would be assisted with the payroll support services of Payconnect, or another recognised free payroll support service, as a condition of funding. The training needs of committees of management were examined and it was decided they would have access to appropriate levels of skill development, advice and support to meet their needs.

The issues of workload and responsibilities of voluntary committees of management were examined. My background is in law and not in teaching, but I am and have for 10 years been a volunteer of two committees of management: one concerns women's health and the other is the local history museum at Creswick. I am well aware of the responsibilities of committees of management and I can say to the chamber that the people who volunteer their time and make a commitment to these committees do not do so to be paid.

The introduction of the free payroll support service and other assistance will alleviate some of the pressures the committees of management were finding in having to comply with the regulations established by the former Kennett government, namely, the Children's Services Act and the Children's Services Regulations of 1998, which made it nearly impossible for committees of management to function. They were buckling under the pressure.

Currently the minister is considering a review of preschools, which has taken five or six months, and a report on that review will be released when the minister has fully and properly considered the matter.

Let us now look at the participation rates for preschools under the Bracks Labor government. I know members of the opposition do not want to hear what the Bracks government has done to assist preschools, but I will tell them nevertheless. The confirmed participation rate for preschools based on the April 2001 data collection shows an increase of 4.5 per cent, from 91.8 per cent in 1999 to 96 per cent. Over 40 per cent of all children enrolled in preschool come from rural regions, and they receive the preschool subsidy. The percentage of total preschool enrolments in receipt of the preschool fee subsidy has increased from 28.25 per cent in February 2000 to 30.2 per cent in April 2001, an increase of

1.95 per cent. The Bracks government is assisting children from low-income families to attend preschool.

More importantly, the participation rate of indigenous children in preschool education has increased from 35.8 per cent in 1998 to 76.1 per cent in August 2000. Under the administration of the former coalition Kennett government the preschool participation rate was identified as a major issue in the Auditor-General's report of April 1998. The Honourable Elaine Carbines referred to the Auditor-General's comments about the coalition government's inaction with respect to preschools.

What has the Bracks Labor government done for preschools? It has done a lot. In the first year of this government more than $9 million of additional funding was provided to preschools — an increase of 12 per cent in recurrent funding, which contrasts with the 20 per cent cut under the former Kennett coalition government.

The Kennett government introduced a per capita funding model that forced committees of management, for the first time, to act as employers and undertake a range of administrative and financial tasks so preschools could operate just like a small business.

In the 2001 budget the government has confirmed the $65 supplementary preschool per capita grant for each child attending preschool. That will continue. The Bracks government has allocated $4 million on a recurrent basis to the preschool fee subsidy for low-income families and health care card holders. The preschool fee subsidy was increased from $100 — provided by the former generous Kennett coalition government! — to $250 per child under the Bracks Labor government. As a result the preschool fee subsidy scheme has increased the percentage of preschool-age children who attend preschool by 1.95 per cent. As I said, 40 per cent of rural families received the preschool fee subsidy.

Hon. M. T. Luckins — On a point of order, Mr Deputy President, I request that the honourable member name the source from which she is quoting so I can ascertain whether those figures are correct. I understand they are false figures.

The DEPUTY PRESIDENT — Order! Is the honourable member able to provide the source of the document?

Hon. D. G. HADDEN — On the point of order, Mr Deputy President, I am quoting from copious and voluminous notes prepared by me. I believe there is no point of order.

Hon. B. C. Boardman — On the point of order, Mr Deputy President, that is an unsatisfactory response from the honourable member. She has been in this chamber for long enough to understand that when quoting from notes when providing statistical information she must provide a source, particularly when those notes refer to financial information. I believe the honourable member's explanation is unsatisfactory in the circumstances.

The DEPUTY PRESIDENT — Order! On the point of order, if there is no document obviously the honourable member cannot provide the source of the document. That is a debating point that will be challenged as the debate continues. I ask the honourable member to continue.

Hon. D. G. HADDEN — I shall go back in time so there is no wrong information in this debate. The November 1997 edition of the United Church magazine *Crosslight* carries the headline 'Preschool cuts hit harshly', and states:

> The moderator of the Uniting Church in Victoria, the Reverend Pam Kerr, last month criticised state policy on preschool funding when she spoke at the closing service of one of the church's best-known kindergartens.

That was the closure under the former Kennett coalition government of the John Barnaby kindergarten in Collingwood. It closed because of increased funding difficulties after 73 years of service to children and families of the inner city suburb of Collingwood.

The *Bacchus Marsh Express Telegraph* of 23 July 1997 ran an article in relation to an attempt by Cr Mike Currington of the Moorabool council and the Blackwood preschool to seek assistance, support and funding from the then Minister for Youth and Community Services, Dr Napthine, to improve its state-owned facility at Blackwood. The article states:

> … it was not the government's responsibility to fund preschools.
>
> …
>
> Cr Currington said he was very disappointed with the minister's attitude.
>
> 'The minister basically said his government was not in the business of building preschools'…
>
> 'He stated that his government regarded this as the role of the local council'.

The Moorabool council said it was a very disappointing response because the government owns the building. In this situation the Moorabool council had put aside $15 000 towards the project of redeveloping the kindergarten at Blackwood and the community itself

had committed $10 000, but Dr Napthine would not give them a cent on a building that was owned by the state government.

Another interesting fact in relation to the former government and its treatment of preschools was that you had to pay $15 a head to see the former Minister for Youth and Community Services, the Honourable Denis Napthine. A letter dated 28 October 1997 on the letterhead of Martin Dixon, the honourable member for Dromana in the other place, sent to the Rosebud Kindergarten says, in effect, 'If you want to see the minister, come along, ring us up, bring your $15 for a cocktail party at the Rye Hotel'. What an absolute disgrace! The Bracks Labor government has toured Victoria since its election in 1999 with its community cabinets, where people can come along for breakfast, make appointments to see ministers and have morning tea — and it does not cost a cent! The Minister for Youth and Community Services in the Kennett coalition government was charging $15 a head! It is no wonder he is in opposition now.

The Diocesan Social Responsibility Committee, a fine committee under the Anglican diocese of Ballarat, conducted a survey in October 1997 on preschool fee structures between 1993 and 1997. The survey was of the fee structures of six preschools. In 1993 the fees per term were mostly in the range of $35 to $40, but also went up to $60. In 1997 they ranged from $75 to $95. At the same time enrolments had dropped between 1993 to 1997 from an average of 49 to an average of 44. The government grant per child in 1993 was $1100 and in 1997 it was reduced by the Kennett government to $872, a decrease of $228.

The Coronation Kindergarten at Wangaratta, which tried to obtain assistance from Dr Napthine when he was minister, raised concern about the difficulties of compliance with the Children's Services Act of 1996 and its regulations of 1998. The kindergarten committee of management president wrote to the Wangaratta *Chronicle* in 1998 under the heading 'Kinders better in the good old days'. The letter states, in part:

> Let me state in simple terms of facts. In 1994, $10 million was taken from preschools.
>
> In 1999, funding is still far below what it had been, despite the small increases that have been made.

She was critical of the former government's then budget, which did not look after kindergartens. This government is looking after kindergartens and will continue to do so as part of its policy pledge to look after and ensure that preschoolers have the best possible start on their educative career path. Kindergarten is the start of one's career. I condemn categorically the motion before the house.

Hon. B. C. BOARDMAN (Chelsea) — I shall make a couple of crystal-clear points. Honourable members on the opposite side of the house are the government; they are responsible for developing policy, and implementing and making decisions that benefit the community. We are the opposition: it is not the other way around.

The Honourable Dianne Hadden, as sincere and genuine as she may be, must take a good, hard look at herself because she cannot come in here and for about 40 minutes go over old ground and try to condemn the previous government after having occupied the government benches for 20 months. The motion is about trying to bring to the government's attention the serious, justified and valid concerns in the community to ensure the government adjusts its policies to best meet community demands and expectations.

I was disappointed that the Honourable Dianne Hadden, whose contributions to debate in this place are usually quite measured and judged, made an accusation about sourcing funding statistics but she could not back up her accusation with hard evidence. Somebody who has been here for as long as she has should realise that if she is to quote statistical information, it must be sourced; the house must be told from where the information was derived and the category and policy must be identified. It was extraordinarily disappointing that the honourable member could not do that.

In this case the honourable member has obviously received a number of bureaucratically prepared notes and, not completely understanding the complexity of the issue, she read from rhetorical, bureaucratic nonsense and illustrated that she does not have sincere convictions about her statements.

Similarly, the Honourable Elaine Carbines in her dismal contribution this morning, which made us bite our fingernails and pull out our hair, decided the best way to deal with preschool issues is to blow up red balloons and put them at the front of a kindergarten because that is how you bring attention to the government. She was proud of that achievement prior to her entering this house and when she was an advocate for her local kindergarten.

Equally as disgraceful as the charade pulled by the honourable member was the appalling situation about which she proudly boasted to the house when she dragged up — Mr Best and Mrs Coote made the same

point — innocent children and put placards into their hands, thereby using the children as political pawns in a debate that the children did not understand. It is appalling that a member of this place who is supposed to provide honourable representation for her community can get away with such disgraceful and dismal stunts prior to entering this house. Then Mrs Carbines had the audacity to stand in this house this morning and promote those stunts as a proud achievement.

Mrs Coote quoted an article in the *Geelong Advertiser*, the existence of which Mrs Carbines refused to acknowledge. That article clearly described the situation confronting Geelong preschools as being a challenge. The *Age* of 17 May carried in its Opinion section a letter written by Elizabeth Manning who lives in Belmont. If my recollections are correct, Belmont is a suburb of Geelong. The letter has the headline:

> This angry mother won't quit, Mr Bracks.

Its subheading states:

> The budget ignored preschoolers with disabilities, so the fight for fairness continues.

It is remarkable that during her contribution to the debate Mrs Carbines would not refer to this letter that appeared in one of Victoria's major newspapers. In her letter Elizabeth Manning states:

> … I could find no mention of the preschool support program in the budget papers.

She describes the trauma of being a parent of a child with a disability who requires appropriate and reasonable preschool facilities but who would not be given the same level of thought and courtesy by the government so that she could achieve some respite and provide a service in an educative way, as described by Mrs Hadden, for her disabled child. I find it reprehensible that Mrs Carbines would laud and promote cynical stunts but not make direct representations on the real issues.

However, Mrs Luckins needs to be congratulated on moving the motion. Equally I apologise to other honourable members who will not be able to contribute to the debate in the time allowed. Mr Rich-Phillips is nodding profusely. He, too, like me is concerned about preschools and the provision of services, and particularly the conditions that teachers and supervisors at preschools, and those on committees of management, face. Mrs Luckins must be congratulated and, no doubt, she will make a contribution in rebuttal.

In conclusion, I give the house an example of the hypocrisy and the lack of genuine commitment on behalf of the government. In late 1999 the Pines Preschool Centre, which is in Frankston North, was subjected to attention from the former Kennett government's community services minister, now the Leader of the Opposition in the other house, because of a number of abnormalities in the operating accounts of its committee of management. I was involved in that process.

I remember attending a public meeting at the Pines football ground when the usual suspects such as Matt Viney, who was then a candidate for election to the other place, and Mark Conroy, then a council candidate, attended.

Hon. G. D. Romanes — And you were a candidate.

Hon. B. C. BOARDMAN — No, I was then the member. I came here in 1996, Mrs Romanes. You had better check your facts as you advise your members to do.

That meeting was politicised appallingly. They made a number of promises in the election campaign to keep the Pines Preschool Centre open. The *Independent* of 23 November 1999 carried the headline 'Reopen call for preschool'. Also, an article in the *Flier* of 9 December 1999 has the heading 'Viney calls for Pines kinder'.

The fact remains that today the Pines kindergarten remains closed. How can the Bracks government try to escape its obligations to the community by condemning the former government on its record when the hypocrisy of the present government is obvious? The motion needs to be supported.

Hon. M. T. LUCKINS (Waverley) — I appreciate the opportunity to make a brief reply to the contributions of honourable members to what has been a disappointing debate, given the contributions of Labor members. The house has heard untrue, false and misleading statements from the government. Not one statement was supported by empirical evidence. One honourable member suggested to the house that her contribution was based on statistics but she had obviously taken the statistics off the top of her head, again with no supporting empirical evidence.

I commend the motion to the house and condemn the government for its lack of commitment to preschools. I thank the Honourables Andrea Coote, Cameron Boardman and Ron Best for their contributions to the debate.

House divided on motion:

Ayes, 28

Ashman, Mr	Furletti, Mr
Baxter, Mr	Hall, Mr
Best, Mr	Hallam, Mr
Birrell, Mr	Katsambanis, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr	Luckins, Mrs (*Teller*)
Bowden, Mr	Olexander, Mr
Brideson, Mr	Powell, Mrs
Coote, Mrs	Rich-Phillips, Mr (*Teller*)
Cover, Mr	Ross, Dr
Craige, Mr	Smith, Mr K. M.
Davis, Mr D. McL.	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr

Noes, 14

Broad, Ms	Madden, Mr
Carbines, Mrs (*Teller*)	Mikakos, Ms
Darveniza, Ms	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms (*Teller*)	Smith, Mr R. F.
Jennings, Mr	Theophanous,
Mr McQuilten, Mr	Thomson, Ms

Motion agreed to.

Sitting suspended 1.03 p.m. until 2.12 p.m.

QUESTIONS WITHOUT NOTICE

MCG: new stand

Hon. I. J. COVER (Geelong) — I refer the Minister for Sport and Recreation to an article on page 3 of the *Herald Sun* of 1 June about the proposed Melbourne Cricket Ground redevelopment, in which the minister said that the state government is unlikely to underwrite the planned $400 million MCG redevelopment if the historic members pavilion remains. Is that statement a reflection of government policy?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I put on the record the government's policy position on the redevelopment of the Melbourne Cricket Ground: there should be no net loss of public seating. The ALP came to government with that policy commitment, and it will remain the key objective in any redevelopment that takes place at the MCG with regard to any format resulting from recommendations of architects or the working party.

I reinforce that point — there should be no net loss of public seating. Some honourable members opposite may be aware that in stadiums such as Colonial there is a high number of seats, but a large percentage of them are not directly accessible to the public because of corporate relationships with the stadium. The Bracks government's policy commitment to the MCG is that there should be no net loss of public seating.

Gas: exploration assistance

Hon. E. C. CARBINES (Geelong) — Will the Minister for Energy and Resources inform the house what action the Bracks government is taking to facilitate gas exploration, both onshore and offshore, in western Victoria?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am pleased to inform the house that it has been an outstanding season to date for gas discoveries in the Otway Basin, both onshore and offshore. In the onshore area, Santos and its partner Beach have made five straight gas discoveries in just the past six months of drilling. While there have not been any sustained gas flow tests as yet, the gas is in a high-quality reservoir. The fields are small by offshore standards but the significance is that they can be introduced quickly into the Victorian gas market.

Offshore, Origin and their co-venturers, Woodside and Calenergy, have announced that the Thylacine-1 well has been cased and suspended as a gas discovery. Although untested, the venture estimates this field to be the largest discovered to date in the Otway Basin and to have between 600 and 1000 billion cubic feet in place, which would in all likelihood make it larger than the Minerva discovery. The consortium is currently drilling Geographe-1 in adjacent Victorian waters. This exploration program is clearly part of a resurgence in petroleum exploration interest in both onshore and offshore areas of Victoria, demonstrating renewed attraction to this region.

Importantly the division of minerals and petroleum in the Department of Natural Resources and Environment is continually conducting detailed analyses of Victoria's regional oil and gas prospectivity. In the government's view, the direct communication of this valuable information assists explorers, and its presentation at industry conferences and in publications and the like directly assists prospective explorers, as well.

In addition, the Bracks government's $4 million commitment to minerals and petroleum initiatives will assist in conserving existing oil and gas data and ensuring value adding of that data to directly assist industry with its analysis of oil and gas prospectivity in Victoria into the future. These new exploration results are further evidence that the Bracks government has delivered a business environment that attracts investment to Victoria. It is another example of this

government's commitment to growing the whole of the state, and in particular regional and country Victoria.

Youth: government strategy

Hon. A. P. OLEXANDER (Silvan) — The Minister for Youth Affairs should be aware that the Youth Affairs Council of Victoria (Yacvic) recently made a submission to the Victorian youth strategy building process. The Yacvic submission describes the minister's consultative process as inadequate and lacking the broad-based support of the Victorian youth community. Yacvic has cautioned the minister against producing a youth strategy which is merely a public relations document that is superficial and bereft of a real vision for young Victorians.

Will the minister follow the advice of Yacvic and establish a broadly based youth policy advisory council capable of consulting properly on youth strategy and of building a strategy that all young Victorians can support?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I meet regularly with the Youth Affairs Council of Victoria or Yacvic, and I have been presented with its submission to the youth strategy, as well as having had that submission presented through the Office for Youth. Yacvic's document is comprehensive and I was extremely impressed with the whole range of issues it presented to government, a number of which are very significant. Obviously some of those have been raised, although I remind the honourable member that they should be read in the context of the whole document. I encourage him to quote from other areas of the document that contain positive statements about the government's strategy, where it is heading and the work it is doing with young people, which is progressive and positive, in contrast to what the previous government did. I have mentioned that on a number of occasions.

It is most interesting that the opposition is quoting from documents by Yacvic, an organisation it defunded! Members of the opposition defunded it because they did not want to hear about issues from the youth sector, just as they did not want to hear about issues from any other organisation or lobby group. They did not want to hear, so do honourable members know what they did? They just cut the funding! Why not? We heard this morning about how that happened to kindergartens, and the former government also did that to significant groups in the welfare lobby and the youth sector — you name them, the former government defunded them!

However, the Bracks government is an open and consultative government and will take criticism on the chin at any time. It is open to any comments, which is why it has a submission process and why it is a consultative government. But what did the opposition do in government? It closed the doors, closed its ears and closed its eyes! That is why the government has a discussion paper and is happy to hear from all lobby groups that might want to make a contribution to that strategy.

Small business: information services

Hon. G. D. ROMANES (Melbourne) — I ask the Minister for Small Business to inform the house how the Bracks government is ensuring that Victorian small businesses are aware of the business services it provides.

Hon. M. R. THOMSON (Minister for Small Business) — Honourable members might find it interesting that while the federal government attempts to blame small businesses for the difficulties they face with the new tax system, the Victorian government is concerned to make sure that small businesses are aware of the services it provides to give them access to information and advice.

When I met with small business operators, particularly when I first became minister, I was surprised at how many were unaware that the government provided assistance to small business — they did not know anything about the services provided. Honourable members may have noticed that the government is conducting a targeted campaign to make small businesses aware of the services it provides through the Victorian Business Line, the Victorian Business Channel web site, Victorian business centres and Vic Export online.

That is in total contrast to the federal government, which has not only ignored its responsibilities to small businesses but is now prepared to blame them for the difficulties they face with the GST and the business activity statement (BAS). This was highlighted in an article in the *Sydney Morning Herald* of 7 June, which quotes the executive director of treasury's budget group as follows:

> We don't take the view that the new tax system need cause bankruptcy, it is essentially bad management … not all businesses are good cash flow managers.

Tell that to small business! I was very disappointed to read that report, but even more disappointed to read the recent report of the inquiry by the Legislative Council's Economic Development Committee into the impact of

the goods and services tax on small and medium-sized businesses in Victoria. That report does nothing but demonstrate the clear denial by the opposition, like its federal counterpart, of the pain and suffering the new tax system has caused small businesses.

It was a seriously missed opportunity for the opposition to deliver a useful and honest report that could be utilised by the Parliament and the community. Instead it disregarded the concerns and evidence provided by small businesses on the difficulties they had coping with the GST and the BAS and the burden that had been applied to them. Small business was effectively denied a voice in that report.

It is lucky that the Victorian government will not blame small businesses for the difficulties they face with the GST and the BAS. It will still continue to urge the federal government to provide real assistance to small business. We want to ensure that small business knows about and has access to the services that we provide. We want them to know about the Victorian business line, to have access to the Internet via the Victorian business channel, and to ensure that they avail themselves of the face-to-face counter access through the Victorian business centres and the Office of Rural Communities. We will continue to support and enhance those access points.

Unlike the federal government and the opposition, the Bracks government will continue to listen to the needs of small businesses and to provide access to the advice small businesses need in the same way as it listened to their needs in relation to the business tax package of the Bracks government.

IRV: strategic advice unit

Hon. W. R. BAXTER (North Eastern) — I refer the Minister for Industrial Relations to her answer to Ms Mikakos last Thursday in which she informed the house that officers from the so-called strategic advice unit regularly visit businesses. Is it not a fact that those officials are nothing more than enforcement and compliance officers as proposed by the Fair Employment Bill, despite the fact that that legislation was rejected by this house?

Hon. M. M. GOULD (Minister for Industrial Relations) — Mr Baxter obviously did not listen to the answer to the question I gave.

Hon. M. A. Birrell — The question you gave?

Hon. M. M. GOULD — The answer to the question that was asked of me when I referred to the strategic advice unit. I indicated that it spends time talking to employers, employer organisations and companies that were considering investing in this state. A group of people make up the unit, which has been established through Industrial Relations Victoria. As I said, its role is to talk to employers.

Hon. Bill Forwood — Name names.

Hon. M. M. GOULD — I am happy to name names if the honourable member wants me to.

Hon. Bill Forwood — I will get the list later.

Hon. M. M. GOULD — I am happy to hand it over, and if the honourable member wishes I will give previous occupations.

To get back to the question raised by the Honourable Bill Baxter, the role of the strategic advice group is to assist employers in smoothing industrial relations issues, to help facilitate any issues they may have and to advise potential investors in the state of the industrial relations climate as it applies in Victoria.

Youth: deaf and hearing impaired awards

Hon. D. G. HADDEN (Ballarat) — Given the Bracks government's commitment to respond to the needs and concerns of young Victorians, will the Minister for Youth Affairs advise the house of any positive initiatives that target young people who are deaf or hearing impaired?

Hon. J. M. MADDEN (Minister for Youth Affairs) — Last night during the dinner break I was fortunate to be able to present a number of awards to young deaf and hearing-impaired people at the second Services for Deaf Youth Awards sponsored by the Victorian School for Deaf Children (VSDC). The theme of the awards was Deafness is No Barrier. The government is keen to promote the positive achievements and images of young people, and last night's awards unashamedly focused on the positive achievements of young people from all walks of life who are motivated and focused in pursuing their individual goals.

The awards of up to $2000 were available to young deaf and hearing-impaired individuals and small groups. They were aged between 15 and 21. The purpose of the awards was to ensure that all deaf and hearing-impaired young people from Victoria have the opportunity to achieve their dreams in a number of key areas: personal development, deaf culture and community, leadership challenges, and education. One of the key criteria was that all projects must make a

valuable contribution to the deaf community in Victoria.

A total of 21 awards were made in a number of areas. One notable award was for a young man who was learning to fly with the intention of gaining a full pilot's licence. Another award was made to a young woman who has been provided with assistance to undertake some personal development, including martial arts training, to improve her self-confidence.

The awards were developed and first presented in 2000 through the generous support of the Allen and Cecilia Tye estate and the Nelson and Brook educational trusts. On behalf of the government I commend the sponsors and the many committed teachers, families and supporters of those young people and the staff at the VSDC for their valuable contribution in making the awards possible. I also acknowledge and congratulate the inspiring courage and commitment displayed by the recipients of the awards in pursuing their goals and tackling the challenges head on. The youth awards have reinforced to me that deafness is not a barrier.

Youth: Oakleigh centre

Hon. M. T. LUCKINS (Waverley) — I refer the Minister for Youth Affairs to an article on the front page of the *Herald Sun* of 9 June headlined 'Young hooligans terrorise suburbs — teen gang wars,' which refers to escalating violence in Oakleigh and outlines the concerns of police. On 30 August last I raised this serious matter with the minister and asked him to fund a youth centre with support from the Monash City Council and police and traders in Oakleigh. What has the minister done to assist youth in Oakleigh?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I have recently visited Oakleigh to meet with a number of youth organisations to have them air their views and raise issues they felt were significant in their region. That was facilitated by the honourable member for Oakleigh in the other place, Ann Barker, who is doing tremendous work in working with local community groups to heighten awareness of issues that need addressing. We work closely with those groups to ensure that we continue to support them in both an indirect and a direct way. I also reinforce the fact that across government a whole range of program areas are related to young people, and no doubt there are a significant number of those that address the issues in Oakleigh that were raised with me. However, specific issues related to any gang violence, wherever it may be, are no doubt matters for the police to address if they relate to violent or criminal activity. That lies with the Minister for Police and Emergency Services. However, if there are other specific issues no doubt we will work through those with the local member, who is doing tremendous work and working closely with those specific groups and with young people to assist them accordingly.

Industrial relations: asbestos

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Industrial Relations inform the house of how Industrial Relations Victoria facilitated discussions with industry stakeholders on the phase-out of asbestos imports?

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank Mr Theophanous for his question. I know he has a keen interest in the illnesses that asbestos causes working people. I am proud that my department, Industrial Relations Victoria (IRV), has had a key role in this historic agreement that will see the phase-out of asbestos importation. On 30 November last year a meeting was convened of the parties that were affected by a union ban on the importation of asbestos.

The meeting was attended by representatives of Bendix Mintex, a Ballarat company that manufactures brake pads for motor vehicles. That company is a primary user of the asbestos imported into Australia. The meeting resulted in an agreement concerning the phase-out of asbestos products. That agreement provides that the use and importation of asbestos will be phased out by 31 December 2003. It also provides for the establishment of a working party chaired by Industrial Relations Victoria to facilitate the phase-out of the importation of asbestos by that deadline. The working party includes representatives from the Victorian Automobile Chamber of Commerce, the Australian Automotive Aftermarket Association Ltd, Bendix Mintex, the Victorian Workcover Authority, the Australian Council of Trade unions and the Australian Manufacturing Workers Union.

It was important that this Victorian government initiative to phase out the importation of asbestos was extended nationally to ensure an effective ban on asbestos products. Therefore, when the Minister for Workcover and I attended the Workplace Relations Ministers Council meeting in December last year and in May this year we ensured that that process was endorsed by the council.

The cooperative process to phase out the importation of asbestos is an excellent example of the IRV facilitating negotiated outcomes. It will not only save lives but

reduce the enormous strain on our health system caused by asbestos-related illnesses.

MCG: new stand

Hon. M. A. BIRRELL (East Yarra) — In respect of the requested government financial underwriting of the new Melbourne Cricket Ground stand, given that the Melbourne Cricket Club needs this to be done by the end of the business year so that the stadium redevelopment can be completed before the Commonwealth Games, will the Minister for Sport and Recreation commit to the government underwriting being provided by 30 June?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — A number of processes are in place at present in relation to the Melbourne Cricket Ground redevelopment. As I have mentioned on a number of occasions, it includes determining the business plan associated with the extent of the redevelopment and a whole series of issues — which have been raised by the opposition as well as the government — about the final configuration and look of the stadium. Bringing together all the parties — which involves, as the opposition may well be aware, a commonwealth government commitment in relation to the redevelopment — and ensuring the financial viability of the facility and business planning are critical issues that the government will not rush. It will make sure they are in place.

It needs to be reinforced — I have mentioned this on a number of occasions in this place — that one of the great things about facilities in Victoria, particularly in Melbourne, is that the larger venues that have a relationship with the government are viable in their own right. The government will not undermine that by rushing the process.

The process needs to be finalised. It ensures the long-term viability of the facility so that the benefits of the Commonwealth Games are not only for the party or the equivalent that will take place around the Commonwealth Games, but in the lead-up and the long-term legacy that will live beyond the games for the benefit of this state and Melbourne.

Hospitals: energy efficiency

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Energy and Resources inform the house what action the Bracks government is taking to improve the energy efficiency of Victoria's public hospitals?

Hon. C. C. BROAD (Minister for Energy and Resources) — On 1 June I was pleased to present four Victorian hospitals with Energy Smart grants of $25 000 each for energy savings projects. This is the second year the Sustainable Energy Authority of Victoria — the creation of which was an initiative of the Bracks government — has been able to provide these grants to Victorian public hospitals. The grant recipients this year were Bayside Health, East Wimmera Health Service, West Wimmera Health Service and Wangaratta Base Hospital for the implementation of their energy savings initiatives.

It was also very pleasing to be able to conduct this grant presentation at Frankston Hospital, which received a grant last year. As a result this year's recipients were able to examine the action that Frankston Hospital has already taken on a number of energy saving projects and its achievements to date as an example for others to follow.

Hospitals are extremely complex and energy-intensive facilities. The public hospital network in Victoria consumes around $20 million of energy and produces more than 250 000 tonnes of greenhouse gases each year. The Victorian government is committed to improving the energy efficiency of its own operations by setting a reduction target of 15 per cent by 2005. Within the hospital networks this policy will eliminate some 38 000 tonnes of greenhouse gases every year, with cost savings of around $2.7 million each year that can be put to other purposes within the health system.

The Sustainable Energy Authority of Victoria and the Department of Human Services are working together to improve energy performance in the public health system. As a first step, in addition to these grants, the program is carrying out a benchmark study for every Victorian hospital. It is anticipated that the study will identify savings that would otherwise be difficult to see.

However, even more importantly, the best way the government can make hospitals more energy smart is at the very beginning of the process — in the building and construction stage — when design solutions can be easily integrated and the cost of doing so is much lower. To this end the Sustainable Energy Authority has developed a standard brief for engineers, architects and building professionals which it makes freely available to the building industry in Victoria. The brief has already been used in a number of Department of Human Services projects, particularly the $260-million Austin and repatriation hospital redevelopment by the Bracks government.

Many positive initiatives are in place to improve the energy efficiency of Victoria's public health system. This is yet another illustration of the Bracks government's commitment to the environment and improving energy efficiency.

DISTINGUISHED VISITORS

The PRESIDENT — Order! Before calling for answers to questions on notice, I acknowledge visitors in the gallery: Mr Carlos Schmidt, the Vice-President of the Republic of El Salvador, accompanied by Mr William Carrillo, Subdirector General of Protocol from the republic. Gentlemen, welcome to our Parliament.

Honourable members applauding.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have answers to questions on notice nos 1705, 1706, 1798 and 1799.

TRANSFER OF LAND (AMENDMENT) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The Transfer of Land Act 1958 was significantly amended in 1989 to enable land titles information to be kept in electronic form. Since that earlier recognition of the potential of electronic service, virtually all of Victoria's 3.8 million titles and many associated documents have been automated. Automation has a number of benefits. In particular, it makes online delivery of that information possible. Online service increases the speed of processing for property trading and property-related legal matters requiring titles information. It also increases the ease and speed of access in metropolitan Melbourne and regional Victoria to titles information.

The bill makes amendments to facilitate dealings with Land Registry and administration by the Registrar of Titles, particularly in the light of increasing electronic service. The bill enables the making of fees regulations for online service. The current legislative and fee structure is based on providing information in paper form by way of over-the-counter service. However, many information requests are now made and responded to online. The bill also enables the Registrar of Titles to respond to requests by Land Registry customers to save out-of-date paper certificates of title from destruction, of particular interest with the conversion of titles to electronic form. Further, the bill allows for the immediate conversion of original Crown grants to electronic form.

I turn now to the particulars of the bill.

Clauses 4 and 8 of the bill deal with the present requirement in the act that when a Crown grant of land is made a duplicate must be created. The purpose of the amendment is to do away with the duplicate document for a freehold Crown grant and enable the Registrar of Titles to immediately convert such a Crown grant to electronic form, in accordance with the manner in which the bulk of land titles and related information is now held.

Clause 5 of the bill deals with the current requirement in the act for the Registrar of Titles to always create a copy or extract of the original title information held by the registrar. This requirement is very cumbersome and serves no purpose when the new title has been created but is cancelled immediately within Land Registry. This can happen, for example, when land is quickly resold so that two sequential transfers are lodged for registration. The amendment will allow the registrar to omit creating a copy or extract in the limited circumstances where the original is immediately cancelled. The original will still be created in accordance with the Transfer of Land Act 1958 so that the sequence of registration can be tracked.

Clauses 6 and 7 of the bill mean that the destruction of old or historic certificates of title is no longer necessary and allow the registrar to save out-of-date certificates of title so long as the certificate of title is altered so that it is clear that it can no longer be used to support land transactions. The destruction of out-of-date certificates of title, as required by the act, has been a cause of complaint by customers of Land Registry, as old or historic certificates might be destroyed. This amendment means destruction is no longer necessary.

Clause 9 allows statutory fees to be set for online services. The amendment is enabling only; actual costs and any new fees will be considered through the regulatory impact statement process.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

RACIAL AND RELIGIOUS TOLERANCE BILL

Second reading

Debate resumed from 7 June; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. C. A. FURLETTI (Templestowe) — I was very pleased to have participated last week in party room debate on the parliamentary Liberal Party's position on the Racial and Religious Tolerance Bill. I urge honourable members to read the debate in the other place on this very significant piece of legislation. Honourable members will see that *Hansard* records some very intimate and touching experiences. Honourable members in the other place made personal and very passionate, emotional and, indeed, revealing contributions on the Racial and Religious Tolerance Bill. Every speaker in the other place had a story and every speaker in the other place represents part of this great state of ours. Like their constituents, every speaker had a view and every speaker has his perception of what the bill does and what it is intended it will do.

I begin my contribution by quoting a statement made by United States of America President Franklin D. Roosevelt in his campaign address in 1940. Things have not changed since he made his comment on this notion. He said of America:

> We are a nation of many nationalities, many races, many religions — bound together by a single unity, the unity of freedom and equality. Whoever seeks to set one nationality against another, seeks to degrade all nationalities. Whoever seeks to set one race against another seeks to enslave all races. Whoever seeks to set one religion against another, seeks to destroy all religion.

I acknowledge the use of that quote by the Honourable James Samios, a member of the Legislative Council of New South Wales, who opened his report on the review of the operation of racial vilification laws in New South Wales with the quote, which I find adaptable and suitable to the debate and the position in which Australia finds itself today.

Racial vilification laws are not new in Australia. Indeed, every other state has racial vilification laws of one type or another. In fact, this state has no current racial vilification laws, but it does have the Equal Opportunity Act which deals with, among the other 16 grounds for discrimination, race and religion. It is probably a quirk of fate that Victoria does not have laws relating to racial and religious tolerance. In 1992 when the Kennett government was elected to power in Victoria there was on the table in Parliament a racial and religious vilification bill prepared and tabled in May 1992 by the previous Cain and Kirner governments. The bill, I assure honourable members, was considerably broader in its effect compared with the bill being debated today. Indeed, it was far wider in its impact than the model bill that was the subject of consultation, the first document produced by the Bracks government.

The Racial and Religious Vilification Bill 1992 created an offence of threatening to inflict injury or damage to property on the grounds of race or religion. It had a clause that created an offence of using language or engaging in behaviour that threatened or vilified on the ground of race or religion. It created an offence of distributing and displaying threatening or vilifying material in order to promote hatred of or to intimidate a racial or religious group. It created an offence of possessing threatening or vilifying material if it is intended to publish it to promote hatred of or to intimidate a race or a religious group. It authorised municipal councils to remove from display material that promotes hatred of or intimidates people on the ground of race or religion. It authorised a Magistrates Court to order a person to cease harassing another person on the ground of race or religion.

The bill was very broad and perhaps, in the context of today's bill, a far more oppressive document and one which, given the comment engendered by the bill before the house, may well have started some serious debate in Victoria.

As has been indicated, the history of racial vilification legislation in Australia started with the 1989 bill in New South Wales. Subsequently in 1995 the federal government introduced its amendments to the Racial Discrimination Act in the form of the Racial Hatred Act. In 1991 the Australian Capital Territory effectively adopted the New South Wales legislation. The Queensland antidiscrimination act of 1991 introduced civil redress for offences involving religious and racial hatred. In South Australia the Racial Vilification Act 1996 introduced a combination of civil and criminal sanctions. That act creates a new actionable tort of an act of racial victimisation that results in detriment, with penalties up to $40 000. That is in addition to the criminal sanctions applying under that act.

The criminal code of Western Australia, as amended in 1999, brought into operation a number of provisions

aimed at punishing those who practise racial discrimination. In Tasmania, the last state to introduce this type of legislation, the antidiscrimination act of 1998 includes offences of not only inciting hatred, serious contempt or severe ridicule of a person or persons on the grounds of race and religious belief or activity, but extends to the grounds of disability or sexual orientation. As indicated, those provisions contain civil sanctions by way of complaint to the discrimination tribunal commissioner.

Much of the debate and correspondence that I am sure many members have received, as I have, state that the bill is unnecessary; that there is no need for the bill. I notice that in the debate in the other place the National Party strongly maintains there is no need for this type of legislation. One of the bases put for that proposition is that there are existing laws that deal with these situations. Regrettably, there may be some instances in which existing laws apply and some instances in which they are actually enforced, but from my experience it is unfortunate that the law is not applied when it relates to the types of conduct and activities that no-one in this chamber or in the other place, from what I have read of the debate, would condone.

I am happy to put the provisions that exist on the record, as it appears there is a passing reference to them but no real detail of the provisions that could assist those who suffer harm, damage or offence based on their race or religion. The primary piece of legislation is the Summary Offences Act. Section 9 of that act provides penalties for wilful destruction and damage, including trespass and entry in a manner likely to cause breach of the peace. From a reading of the section it appears that that involves the breach of the peace provisions, which may or may not apply. Section 10 of the act includes an offence of posting bills or defacing property, which, of course, includes graffiti. The difficulty with the provision, as we know, is that it is difficult to catch those who do the graffiti.

Section 17 of the Summary Offences Act deals with obscene or threatening language, but it has to be used in public. That could be mixed with very serious abuse and vilification of a person on the grounds of that person's race or religion. It includes profane, indecent or obscene language. The use of threatening, abusive or insulting words or behaviour in riotous or insulting ways at meetings is also caught by that section, so I assume the incident that occurred recently in the Frankston area, where somebody was charged with offensive behaviour against a police officer, would be dealt with under that section.

Honourable members can start to appreciate the difficulty that would arise in trying to relate and intermarry that type of conduct with that referred to specifically in the bill, which is on the basis of race or religion. Section 21 of the Summary Offences Act is as close as we get to what honourable members are discussing in this instance — surprisingly, it provides an offence of disturbing religious worship. If a religious service is being conducted and somebody intentionally and wilfully disturbs that worship, an offence is committed. Sections 23 and 24 deal with common and aggravated assaults on a person. Honourable members may not be aware that today an assault includes a threat to cause bodily harm to a person, but will be aware that there is no provision in the Summary Offences Act that relates to threats against the property of an individual.

In trying to relate the penalties, those in the Summary Offences Act are minor and befit the nature of that act. In responding to those honourable members who maintain that that is satisfactory legislation and provides protection to those who suffer injury or loss based on race or religion, one need only examine how often the provisions of the act are utilised. Indeed those provisions are used by the police to apprehend miscreants and to hold them generally while preparing to charge them with more serious offences.

The Crimes Act regulates the more serious offences against persons and property. Again that is a general and blanket measure, and there is no reference in that act to introducing a person's race or religion as a basis for the commission of a crime. That is significant when one considers the difference between having scrawled on my front fence graffiti that states 'Members of Parliament are all bludgers' and having a swastika painted on the wall of a synagogue. That is something else again, and it shows two things: the recognition of the structure on which the graffiti is written, and the intent, hatred and malice borne by a person who would deface the wall of a religious place in that way.

I suggest that the basis of the argument that existing laws are adequate to deal with the issues raised in the bill is totally unfounded. The bill deals with a particular situation. Today our community comprises more than 200 cultures, and its members speak more than 150 languages and practice more than 100 faiths. In that scenario honourable members are obliged to consider the impact of any type of conduct that would seriously interfere with or put at risk the harmony, tolerance and mutual respect that has developed in our community in that regard.

The bill is not about rejoicing in our cultural diversity; it is about protecting a minority from a minority. I do

not for 1 minute suggest that Victorians are in desperate need of the measure. Indeed the Kennett government, of which I was proud to be part, had the option of introducing legislation of this nature. The second-reading speech by the Premier in the other place indicated that the bill is only part of an overall strategy to deal with any type of vilification. As I understand the speech, the main thrust of the bill is education. The opposition is pleased that the government has picked up on what the Kennett government did in 1992 — that is, using education as the principal tool for the development of a profoundly integrated community in this state.

The Kennett government used public policy as a means by which all Victorians could feel part of the community. It used departmental policy to ensure that in the development of any strategy and departmental initiatives consideration was given to our multicultural community, so much so that as part of the 1999 policy on multicultural affairs that consideration was to have been promoted to a ministerial level. I was very pleased to have been part of that initiative.

I speak with perhaps some degree of qualification. My family migrated to Australia in 1949, when I was very young. I had the ill fortune of looking racial vilification squarely in the face — and a very ugly face it was. I am pleased to be able to say that we have come a long way since then, but let me assure you, Mr Deputy President, and the house that we are a long way from having abolished racial vilification in this state, irrespective of what many honourable members may say.

I am pleased that some honourable members in the other place have not come across racial vilification in their electorates — I believe them when they say they do not have a problem with it — and there might be a number of reasons for that. Perhaps it is true that they do not have any, but I think that most unlikely. In the country electorates I visited during the opposition's consultation on the issue, we were told of instances of very serious racial vilification. The honourable member for Warrandyte, who has considerable experience in the area, indicated that perhaps what it boils down to is that in country areas there are fewer migrants or that they are less prone to bringing into the open the difficulties they have.

I relate to that, having been brought up in Seymour. I remember very distinctly having to accompany my mother shopping when I was 6 or 7, when I could understand and speak English but unfortunately she could not. I used to have to help her out. I could understand the taunts and criticisms that were thrown at my mother, but fortunately she could not. However, it was not a matter of complaining because often by complaining the situation gets worse, and all honourable members know what that means. That is the reason for the victimisation processes in the bill.

I was fortunate to go to school and later to boarding school, but if I were to say that I did not suffer taunting, criticism and abuse of some sort, I would be misleading the house. I went to university, and again there was an element of it there. They were issues that one could wear, and I think the steel in the backbone developed. I am pleased to say that I am a proud Australian and very privileged to be an Australian living in Victoria. I now have the ability to put those things to one side. I know that most people in my position do, because we use them as experiences with which to develop ourselves. Although we all have our own background and heritage we need to use that as only one in a large range of weapons in our armoury to ensure that we go through life in a way that allows us to at least leave something to those who follow.

I also had the good fortune to practise law for 30 years. I read the contribution of the Leader of the National Party in the other place, who said that in his time in the law he never once came across a situation of racial vilification or a complaint of racial vilification. I had the privilege of being a commissioner of the Ethnic Affairs Commission, as it was then known, between 1993 and 1996, and I wish I could say we never came across a case of racial vilification, because unfortunately we did. I spent two years during the former government's time in power on the Department of Human Services Multicultural Advisory Council, or DHSMAC, advising the Minister for Health. The council constituted some 16 people from 16 different cultural groups working in 16 different areas. The stories that council heard on areas such as the one we are debating were very real and touching. We were compelled to take stock of the situation and develop policies to deal with it.

While we in Australia are a most fortunate community, and while our living in harmony and tolerance is the envy of many countries, to ask why we need this type of legislation is like saying, 'Why did we need a parliamentary precincts bill?'. There has not been a riot in this place since 1860, but that does not mean we do not pass legislation to ensure that if such an occasion arises a law is in place to protect us. This is not a situation where the opposition can say, 'Yes, we have introduced the bill'. This is a situation where the government has introduced a bill and is asking for members on this side of the house to support it'.

It is not the best drafted bill in the world, but we on this side of the house have come to appreciate that that is very much the practice today. Nevertheless it is for us to decide whether we support the bill, and if that is the question then the other question, rhetorical as it may be, is, 'Why should we not support it? What harm would it do?'. Does it not send a message to that small minority to whom I referred earlier that this is a state that will not tolerate those who step beyond the line? This is what the bill does.

Like many others, and I am sure particularly because of my position as parliamentary secretary to the shadow Minister for Multicultural Affairs, I have received literally hundreds of pieces of correspondence commenting on the bill. I am sure much of it was orchestrated. Over the past few days opposition members have been inundated with telephone calls from as far away as Queensland and Western Australia. These are not people who are affected by the bill; these are people who are being asked to bombard us with complaints. You know it is an orchestrated campaign if the original protagonist is wrong and then all the complaints that follow have the same flaws in them. You can pick them. I am sure honourable members have been able to identify those complaints and concerns that are wrong. I intend to analyse some of those shortly.

However, I would not deny the right of those people to lodge their complaints and to make their concerns felt. I have read all of the correspondence and intend to address some of the concerns to which it refers.

The bill is based very much on the New South Wales legislation. It was introduced in an unusual way by the government putting to the public a discussion paper and a model bill and asking for people to comment on it. However, that was after the government had commissioned Sweeney Research to conduct an inquiry as to how best to put this piece of legislation to the Victorian public. I shall refer to some of the matters the researchers came up with. The report cost some $32 000 or $33 000 and indicated that the government was probably wasting its time. After going through the processes, one of the questions with respect to racial vilification was how to draw the line in the sand. The report brings into discussion a number of the comments the researchers picked up in the course of the research.

The opposition obtained the report with considerable difficulty — it was harder to get this than drawing a horse's tooth. At page 9 the researchers say:

> The Australians to whom we spoke possibly overstate the successful 'multiculturalism' in our country; but underneath the surface, and often on top of it, there is pride in the extent of assimilation and recognition of the ultimate benefits that each wave of immigration has brought to Australia. They would hope that when our new arrivals come, they leave behind the conflicts of their places of origin.

I put that on the record because it is indicative of what has happened in this place and why it is important that we have legislation like this, not because it is necessary but because it is addressed towards those few who do not fit within the aspect that we are discussing.

With respect to racial vilification in country Victoria, the researchers found:

> The attitudes, there, are different. This would seem to be a function of the fact that there is not the same exposure to people from other backgrounds and cultures.

They go on to say:

> … these newer arrivals were assimilated into their communities possibly even at a quicker pace than what occurred in the city.

The report is there talking in the context of the immigration patterns of Italians and Greeks. It goes on to say that the view in the country was that vilification does not happen. They asked why, and the answer was:

> Because there are few of 'them'.

These are the researchers the government appointed. The report goes on, and I will not bore the house unduly with it, but it is indicative of the type of research that the government undertook.

The government then published a document that caused more angst than anything I have experienced during the past five years. I refer to the myriad correspondence I have received about the so-called model bill. The bill now being debated is a totally different animal. It has had major changes made to it and this bill is a re-draft of major proportions, which, with credit to the government, reflects strongly the New South Wales legislation. However, I would have preferred the government to have built on the experiences in other states rather than simply replicating the New South Wales position.

The government conducted its own consultations. As I understand it, it consulted in six rural and regional areas and in three metropolitan areas. I understand the consultation at the meetings took the form of attendees being broken into groups of 8 or 10; each group was given a sheet containing 4 or 5 questions. Each group was asked to consider the questions and to return to discuss the outcomes. If ever one had seen something with which the government sought to achieve an outcome but failed dismally, that would be it. I ask

honourable members to imagine how to answer the question:

> Is racial/religious intolerance more offensive in public than in private?

What sort of question is that? Another question asks:

> Are there circumstances where racial/religious intolerance is acceptable to protect the rights of freedom of speech, e.g. for artistic expression, for scientific or academic research or fair reporting?

I give credit to the government for consulting but I decry the manner in which it consulted. It was a sham. It thought it would get away with consulting and getting its model bill passed, but unfortunately it backfired dramatically. Everybody who has had anything to do with the process would be aware of the dramatic results.

I was pleased to have participated with the shadow Minister for Multicultural Affairs, Helen Shardey, and the honourable member for Bulleen, Nick Kotsiras, in the other place in consulting on behalf of the parliamentary Liberal Party. The shadow Minister for Multicultural Affairs wrote to about 1300 multicultural and other umbrella groups and sought responses by way of a lengthy and detailed questionnaire. We conducted consultations with senior legal counsel and other experts in analysing the provisions of the model bill.

I should preface any further remarks, Mr Deputy President, by reminding the house that my comments about consultation are predicated on the model bill because, as honourable members would be aware, we have had little time to consult and analyse the bill before the house, which was introduced without further consultation. The consultations I refer to were predominantly centred on the model bill.

The parliamentary Liberal Party visited and consulted with communities in Mildura, Shepparton, Ballarat, Bendigo and Geelong. Those consultations were not restricted to ethnic or multicultural groups but were across the board. Every opportunity was given to members of the community to raise issues. We did something that the government did not do: we drew the contents of the bill to the attention of the attendees.

We met with Chinese business groups, numerous Italian community groups and elderly citizen groups, the Returned and Services League, the Ethnic Communities of Victoria, B'nai B'rith Anti-Defamation Commission, the Australian Israeli Jewish Action Council, Liberty Victoria, numerous church leaders, the Islamic Council and many others.

With respect to the final half a dozen or so groups we had the opportunity of consulting again on the bill that is before the house — and very favourable consultations they were. I express the gratitude of members of the parliamentary Liberal Party to all those who participated and shared their opinions and concerns with us.

The format of our consultations was to take people through the bill and ask them about their concerns. I remind the house that the model bill was more draconian, if I may use a word I have read many more times with this legislation than any other before the house. As we went through the bill during the consultations and it was suggested that it would be vilification to seriously offend, insult or humiliate a person or class of person, almost to a person they thought that was a bit silly.

However, when asked whether they considered it appropriate and acceptable for somebody to incite hatred against a person or to threaten physical harm against a person's property or person, whether it was acceptable to incite revulsion of or serious contempt for the person, whether it was okay to threaten the property of a person or class of persons or to intimidate any of those persons, they invariably said no. They invariably agreed that conduct of that nature should not be permitted.

When asked whether it was acceptable to the people at the consultations to portray the person or class of persons as not having or not deserving to have the right to fully participate in society, the answer was invariably no. They said it would not be acceptable conduct.

I am sure the message we received was conveyed loudly and clearly to the government, which is why I am sure the house has before it a completely different creature to the model bill that circulated throughout Victoria for some six or seven months and which, I am confident, many of the concerns I have received still refer to. Recently I have made a point of asking those who have taken the trouble to telephone my office whether they have read the bill. I assure the house that if 1 in 10 had read the bill, they had only scanned it. There is an activity in place to express an opinion — but, unfortunately, an ill-founded opinion.

The bill, in summary, says it is not acceptable to incite hatred or severe contempt, or to incite revulsion or severe ridicule of a person or class of persons. That is very simple and distinct. I will refer to that later. As I indicated, the position according to my interpretation is that when the government found there was such a backlash to its initial model bill, in particular to the

provisions to which I have referred that made the passing comment conduct that could offend, humiliate or insult constitute vilification, the government had to backtrack quickly.

The government was on a promise. It had promised it would introduce legislation during this sessional period. What was the best thing for it to do? Go interstate, find something there, bring it back and introduce it here. That has two effects. It shows that the government should not be governing. It also gives us the opportunity to relate back to and see how the legislation now before the house has been operating in New South Wales for 12 years.

That is an advantage because that of itself allays many of the fears that have been expressed to me. The legislation is very simple and I therefore shall put on record the provisions of the New South Wales antidiscrimination act, which was amended in 1989 to include division 3A. That division introduced the racial vilification provisions. The Victorian legislation replicates the New South Wales legislation in that section 20C of the New South Wales legislation makes racial vilification unlawful in the civil sense. Section 20C(1) states:

> It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.

The act then includes a number of exceptions almost identical to the ones in the bill before the house. However, section 20D of the New South Wales Act introduces an offence of serious racial vilification. That provision states:

> A person shall not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group by means which include:
>
> (a) threatening physical harm towards, or towards any property of, the person or group of persons, or
>
> (b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

The provision goes on to identify penalties of $5000 or six months imprisonment, or both. In the case of a corporation, assuming the penalty units are the same in New South Wales as in Victoria, it is a $10 000 penalty.

A significant provision in the New South Wales legislation, and one that has always been there, is section 20D(2), which states:

> A person shall not be prosecuted for an offence under this section unless the Attorney-General has consented to the prosecution.

That division between serious and less serious racial vilification has been replicated in Victoria.

I referred earlier to a report prepared in August 1992 by the Honourable James Samios while he was parliamentary secretary to the Premier and the Minister for Multicultural Affairs in the Greiner government. It reviewed the operation of the racial vilification act of New South Wales, and I do not intend to go through all the recommendations. Suffice it to say that that report recommended, for example, that specific bodies or groups should be permitted to assume advocacy roles. I note that provision is in the bill before the house.

The report recommended that the offence of serious racial vilification should be relocated into the Summary Offences Act and that at the same time the antidiscrimination act be amended to make it clear that the President could refer serious vilification matters for prosecution. In other words it proposed transferring criminal sanctions from the antidiscrimination act to the criminal Summary Offences Act.

The Honourable James Samios recommended that the maximum penalty level for the offence of serious racial vilification should be doubled. Recommendation 12, to which I will refer in my contribution, recommends that:

> The present need to obtain the prior consent of the Attorney-General to commence a criminal prosecution, should be replaced with a provision vesting in the Director of Public Prosecutions, a power to take over any prosecution for serious racial vilification, with a view to terminating.

That means that rather than having it politicised with the Attorney-General having the fiat, the Director of Public Prosecutions (DPP) should have the control. That was one of the main reasons for the amendment by the Liberal opposition in the other place, and I am pleased the government accepted it and has introduced it in the bill.

I have gone through in considerable detail the concerns that have been conveyed to me. In particular I have gone through in enormous detail those that refer to the bill being draconian, intolerant, Nazi and fascist. For the life of me I am unable to accept that those concerns are justified.

As I have previously indicated, at the outset the model bill caused great concern among the parliamentary Liberal Party and throughout the whole community. It was very courageous of the government to listen to those concerns and eliminate them. In my opinion that

bill made a criminal offence of expressing language in your own house that someone within earshot through an open window might be offended or insulted by. I suspect it was a serious mistake on the part of the government to have introduced a provision of that nature.

Changes have been made, the most significant being to remove from the bill the provisions relating to seriously offending, insulting or humiliating a person and the portrayal of persons or a class of persons as not deserving the right to participate. Significantly, the government also changed the test for how the conduct was to be judged. It removed the so-called reasonable observer and introduced, according to the second-reading speech, a test of objectivity that I believe is far more acceptable.

The government has gone to extraordinary lengths to explain and provide interpretive guidelines incorporating a number of motherhood and self-serving statements. In particular there is the introduction of a long title to the bill, which we see in a number of bills and which we need. Then there is a preamble of four clauses, which could be called statements of values. I suppose critics would call them motherhood statements, but they certainly seek to make the government's position fairly clear.

The purposes are set out in clause 1, which states:

> (a) to promote racial and religious tolerance by prohibiting certain conduct involving the vilification of persons on the ground of race or religious belief or activity;
>
> (b) to provide a means of redress for the victims of racial or religious vilification;
>
> (c) to make consequential amendments to the Equal Opportunity Act 1995.

They are all worthwhile explanations. Therefore, the bill includes a long title, a preamble, a purposes clause and then in clause 4 the objects of the act are set out. If this is overkill to the nth degree, it is an extraordinary effort to make the point that the government is trying to make — that is, it does not intend to interfere with a person's freedom of speech. I hope that in interpreting or applying the bill people will use these elements to assist them to interpret it in a way that will have the least impact in those instances where concerns have been expressed.

The objects of the bill are somewhat self-serving, but they do seem to reinforce the government's philosophy and objective. I found clause 4(1)(c) difficult to comprehend. It states:

> (c) to promote conciliation and resolve tensions between persons —

that I can understand and accept, but it continues —

> who —

I presume that refers to persons —

> (as a result of their ignorance of the attributes of others and the effect that their conduct may have on others) —

in other words they are obviously unintentionally doing things —

> vilify others on the ground of race or religious activity and those who are vilified.

As I say, it is perhaps a case of overkill but the government's intention cannot be doubted.

The bill takes us from when unlawful conduct is engaged in to the Equal Opportunity Commission, which is the first recourse. The commission will then make a determination as to whether the conduct was entered into intentionally or unintentionally, bearing in mind that this bill reproduces to a very large extent large slabs of many provisions of the Equal Opportunity Act.

Perhaps this is an opportune time to indicate, as was suggested by the Honourable James Samios in New South Wales, that this bill could very easily have been dealt with by amending the Equal Opportunity Act to include the elements of racial vilification referred to in clauses 7 and 8 as antidiscrimination provisions, and by amending the Summary Offences Act by including the criminal provisions that are in the bill. Had that occurred this document would not now be before the house.

As I said, the government had a policy and went to the election on that policy, and so we have a separate bill that divides racial vilification into two arms, one being the civil arm and the other — the so-called identical mirror image — that provides criminal sanctions. Clauses 7 and 8 are the civil element. Clause 7 states:

> A person must not, on the ground of the race —

in clause 8 read 'religious belief or activity' for 'race' —

> … engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

They are very strong words; each has a meaning, which I will read into *Hansard* in due course. Those expressions defy ambiguity. They are very clear and

each of us here would know exactly what they mean. Most significant is the word 'incite', because the concerns that were conveyed to me by those who were worried about the model bill were that they would not be able to talk freely, conduct their affairs freely or discuss things freely, and to a certain extent they had substantial grounds for their concerns. We now have a bill which prohibits a person from engaging in conduct that incites hatred, serious contempt for, revulsion or severe ridicule of, another human being. Those are very strong words; and if that sort of conduct is freedom of speech, I do not approve of freedom of speech.

The other provisions of the act dealing with motive and dominant ground being irrelevant were in the earlier model bill and they are in the Equal Opportunity Act. The reason for that is based on the discrimination aspect of this bill. There has been a lot of criticism of the exceptions. Many people, including former Archbishop George Pell, were concerned that there were exceptions of this nature. I can understand and appreciate the argument people put. However, I also understand that if there were a situation that there be no exceptions then I suspect that the criticism would be at the other end. The advantage in the exceptions in this bill — as I indicated, they are very similar to the ones in New South Wales, which have produced little outcome, but let me reinforce that aspect in a moment — and apply as an exemption to be claimed by somebody against whom a complaint is made.

The exceptions include that, firstly, a person's conduct must be engaged in 'reasonably' and 'in good faith'. The purpose for that should be obvious.

An honourable member interjected.

Hon. C. A. FURLETTI — An honourable member has interjected, 'What does reasonably mean?'. In my experience in practising law for over 30 years, 'reasonable' is a word that is used very regularly, and the objective test of what is reasonable — I will refer later to how that has been put — is that you cannot go over the top. The bill says the conduct has to be reasonable, and more importantly, you have to do it in good faith. If you seek to vilify somebody and you do it by means of a back door, then you are not doing it in good faith and you cannot claim the exemption.

The exceptions that are provided relate to a person's conduct:

(a) in the performance, exhibition or distribution of an artistic work; or

(b) in the course of any statement, publication, discussion or debate made or held; or any other conduct engaged in for —

I would emphasise that the words 'any other conduct engaged in' are the result of an amendment that was proposed by the parliamentary Liberal Party in the other place and accepted by the government —

(i) any genuine academic, artistic, religious —

a new word that was not in the model bill —

or scientific purpose; or

(ii) any purpose in the public interest; or

(c) in making or publishing a fair and accurate report of any event or public interest.

Subclause (c) is the media exemption. It was interesting in checking out the web page of the New South Wales antidiscrimination board to find that in 1999–2000, 40 per cent of racial vilification complaints were actually against the print media, 21 per cent arose out of private disputes, 14 per cent out of public conduct, 11 per cent from the electronic media and only 7 per cent from other public communications. Surprisingly only 7 per cent, or 2 of the 28 claims, arose out of work. As I indicated, while those exceptions are there, they need to be called upon by those who are claiming those exceptions.

An area that has caused some concern relates to what a person does in their own home. Clause 12 reproduces the earlier like provision in the model bill.

The parliamentary Liberal Party had concerns because the exception created in clause 12(1) seems to be taken away in clause 12(2), which is a self-serving or hindsight provision. It states that you cannot engage in conduct where you ought reasonably to expect that it can be heard or seen by someone else. The only way you will know that that has happened is if someone has heard the comment, and then automatically you have fallen foul of the section. I raise that as a matter of concern. Otherwise, conduct that takes place in one's private house or property provides an exception. Again, one should stress that this relates only to the civil sanctions.

Proposed division 2 of part 2 relates to victimisation and is substantially a reproduction of the provisions of the Equal Opportunity Act. As there has been some misconception as to what is intended by that provision it should be clarified. It provides that anybody who has made a complaint or is a witness effectively — I am paraphrasing — cannot be victimised for having engaged in or taken that course of action. It is a protection against people being abused in an indirect or secondary manner for having taken advantage of their

legal rights. Honourable members would agree that that is a worthwhile provision.

Clause 17 provides that employers and principals will be liable for the conduct of their employees or agents. That provision attracted considerable adverse comment from employer groups and others. The term 'vicarious liability' in effect means that an employer or a principal is liable for an employee's conduct. It is a longstanding, common-law provision that generally applies to an employee's negligence, making the employer liable.

The parliamentary Liberal Party sought to have that provision amended. I am aware, as most honourable members would be, that it is a straight lift from the Equal Opportunity Act, but in this instance where there is the prospect of an allegation of racism, one would query the need to retain that provision, particularly given that there is no second-chance element to it. It imposes on all employers, no matter how big or small, an obligation that they have to take reasonable precautions to prevent an employee or agent engaging in unlawful conduct or vilification.

The complaints and conciliation procedures are the same as those set out in the Equal Opportunity Act. I started taking the house through the complaint process and said that the commission was to determine whether there was intention in the conduct complained of. If there is intention, the commission is obliged to refer the matter for prosecution. If there is no intention, the commission is obliged to seek to conciliate the complaint. One needs to understand that conciliation refers to an apology or some other arrangement such as a written retraction or some course whereby the person who has been vilified is satisfied reasonably. If no conciliation is reached in the Equal Opportunity Commission the party can apply to the Victorian Civil and Administrative Tribunal for a determination.

The second-reading speech goes to great detail in seeking to reassure those who are involved that the principal intention of the bill is to seek to conciliate and reconcile rather than to penalise through criminal sanctions. That is an appropriate course and one that the opposition strongly supports.

If the matter cannot be reconciled and cannot be conciliated, the understanding is that the commission will need to determine what to do if it is satisfied that there is a prima facie case of intended vilification. The original bill provided that there was to be a protocol on how to handle those types of complaints for the police and the commission. The second-reading speech states that that is the government's intention. We have not seen and are not aware of what that protocol will involve. I would have preferred to have seen something in the legislation on that.

The opposition introduced amendments in the other place to insert sections 24(4) and 25(4), both of which require that a prosecution under the criminal sanctions cannot be commenced without the written consent of the Director of Public Prosecutions. Not only is there a prima facie situation at the Equal Opportunity Commission level, but there is a second level where the DPP is to be involved.

Criticism has been made of that because normally the DPP is involved only in indictable offences, and some people have used that amendment to indicate the seriousness of the offences. Nobody denies that they are serious, but they are not indictable offences. Merely because the DPP is involved does not make them indictable offences. However, they convey and express concern as to the nature of the offence which does, if a person is found guilty, to some extent brand a person a racist, and that in itself is a serious charge.

The serious vilification offences are broken up into proposed section 24, which covers racial vilification offences, and proposed section 25, which covers religious vilification offences. They are similar to the extent that the seriousness is broken up into much more serious and not quite as serious, because one element repeats and replicates the New South Wales situation. Before a criminal offence is committed it is necessary to have intentional conduct that the offender knows is likely to incite hatred against another person and threaten physical harm against the person or property. There are a number of distinct elements. However, they are clear and there is no mistaking the elements that are necessary for a person to be convicted of an offence under proposed section 24(1). Proposed section 24(2) is the less serious of the serious elements — that is:

> A person (the offender) must not, on the ground of the race of another person or class of persons, intentionally engage in conduct that the offender knows is likely to incite serious contempt for, or revulsion or severe ridicule of …

another person.

It uses those same words again, but it has to do with intent and knowledge of likelihood. They are very significant and clear words.

Because of an amendment moved by the Liberal Party opposition in the other place, clause 25(4) requires the consent of the Director of Public Prosecutions. With respect to the religious vilification aspect, the opposition also sought and obtained a slight but very significant variation to subclause (2), which

substantially addresses the concerns of the Catholic Church. It provides:

> A person must not, on the ground of the religious belief or activity of another person or class of persons, knowingly engage in conduct with the intention of inciting serious contempt for …

So the test of intent and knowledge of conduct that causes vilification is lifted another notch.

Bodies corporate are included as being able to be found guilty of an offence, as is each officer of a body corporate who knowingly directs, authorises or permits the commission of an offence. Such a provision is now fairly standard throughout most elements of corporate law, where corporations as well as individual officers of those corporations can be found guilty.

An aspect that is new in this bill is the power for magistrates to issue search warrants. That provision has attracted some concern by some people. Obtaining the issue of a search warrant is no mean feat. The provisions that control the issue of search warrants are contained in section 465 of the Crimes Act, which states:

> Any magistrate who is satisfied by the evidence on oath or by affidavit of any member of the police force of or above the rank of senior sergeant that there is reasonable ground for believing that there is, or will be within the next 72 hours …

It provides the opportunity for search warrants to be issued if a magistrate can be satisfied that it is appropriate to grant permission to search premises to gain and collect evidence that can be used against a person who is charged with such an offence.

The most obvious situation would be if a person denied there was an intent to vilify somebody — to intentionally engage in conduct referred to in clauses 24 and 25. If the police suspected the person was handing out pamphlets, for example, that were contemptuous, caused revulsion and incited hatred, they could apply for a warrant; and if they went to that person's home and found a printing machine or thousands of pamphlets, obviously that would be evidence that would substantiate a claim that the conduct was intentional and would therefore prove the point. This is an evidentiary provision necessary to ensure that justice is done.

I need to place on record briefly some of the determinations of the New South Wales Equal Opportunity Tribunal that help us to appreciate the words that are being used in the bill. The word 'incite' has been interpreted by the New South Wales Equal Opportunity Tribunal simply by reference to the definition in the *Macquarie Concise Dictionary*, which is:

> to urge on; stimulate or prompt to action.

In the case of *Wagga Wagga Aboriginal Action Group and Ors v. Eldridge* in 1995 the NSW tribunal went to some lengths to indicate that the plain meaning of words was important. That is why I have gone to some lengths today to emphasise that the words that are used are all very clear.

In the case of *Hellenic Council of NSW v. Apoleski and Macedonian Youth Association* the New South Wales tribunal found that the word 'incite' implies an intentional act in the sense that the incitement or creation of hatred must have been intended or foreseen. That means it is not adequate to have just a passing comment. This involves active third-party involvement with the intention to stimulate or urge on division, hatred and friction within a community. Similarly with respect to the words 'hatred', 'severe contempt' and 'severe ridicule' the plain meaning is again referred to as it appears in the Macquarie dictionary. 'Hatred' is defined as:

> the feeling of one who hates; intense dislike; detestation.

If not 'detestation', I think everybody would understand what 'hate' means. 'Contempt' is defined as:

> the feeling with which one regards anything considered mean, vile or worthless; the state of being despised; dishonour; disgrace.

Again, they are fairly strong words. 'Ridicule' is defined as:

> words or actions intended to excite contemptuous laughter at a person or thing; derision.

The words 'contempt' and 'ridicule' are to be read in the context of the intensifying adjectives before them, that is, 'serious' and 'severe'. So it is not only the words themselves, but the words in front of them that are taken into account — for example, to seriously deride.

There has been a lot of criticism of the bill, which to my mind is very sadly misunderstood. If we are to proceed on the New South Wales historical basis successful prosecution is not very likely, but that is fine; that does not mean there should not be a bill like this. I hope there is no prosecution for a long time. When the first successful prosecution occurs it will be a case of very severe vilification, which is what the government said this bill is intended to address. But in the meantime the bill sends a very strong message to the community that minority groups that engage in this type of conduct —

incitement of hatred, severe contempt and revulsion and severe ridicule — against our brothers will not be accepted.

In conclusion, let me simply say I was aware of the free speech argument and was urged to consider it time and again in the correspondence that was sent to me. Voltaire said several centuries ago words to the effect that he may have disagreed with things that were said, but he would to the death preserve the right of the individual to say them. I think this bill puts a postscript to that saying: 'provided that in doing so you do not incite hatred or contempt against my brother'.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to have the opportunity to make a contribution to the debate on this bill, particularly after the Honourable Carlo Furletti.

The Honourable Carlo Furletti and I both have an interest in multicultural affairs through our parliamentary duties and responsibilities; I as the parliamentary secretary to the Premier assisting him with multicultural affairs and Carlo as the parliamentary secretary to the shadow Minister for Multicultural Affairs. Therefore, Mr Furletti and I spend quite a bit of time together at various functions and meetings with the very diverse cultural and linguistic communities in Victoria. Mr Furletti mentioned that he was involved in the debate in his party room, and I am sure he would have been speaking very strongly in support of this important piece of legislation because I know from my experience in working with him that he is very committed to multiculturalism. He has shown that in his contribution to the house today and in his support for this legislation.

It gives me pleasure to make a contribution to the debate and speak in support of this important bill. With the introduction of this legislation we see yet again the Bracks government honouring its election commitments. During the last election campaign, prior to being elected to government, Labor gave a clear commitment to safeguarding the rights of all Victorians to live without fear of vilification. Labor committed itself to strengthening Victoria's multicultural community and creating a society that is tolerant, inclusive and cohesive. With the introduction of the Racial and Religious Tolerance Bill the government is honouring the commitments it made to the community prior to the last election.

Mr Furletti raised this matter in his contribution, and it is important to remember that, apart from the Northern Territory, every other state and territory has a form of racial tolerance legislation and a number of states have religious vilification legislation. This bill is giving the people of Victoria the same sorts of rights and protections that other Australians currently enjoy.

This bill, like other bills brought before this house, is the result of an extensive community consultation process. A discussion paper was developed that included a model bill, and it was widely distributed throughout the community. The government wanted to encourage open and vigorous debate within the community about the sorts of changes and protections it wanted to bring about by introducing this type of legislation. Consultation meetings were held in the metropolitan area and regional Victoria as well as with specific ethnic groups, various religious groups and the indigenous community. Members of the Office of Multicultural Affairs, Minister Pandazopoulos in the other place and I attended these meetings and discussed with people their views, concerns and attitudes to the discussion paper. We travelled around the state and made ourselves available to hear what people had to say.

Mr Furletti talked a little about that consultative process and criticised it for being limited and restricted. He said the government simply gave participants a sheet of paper containing a number of questions and asked them to respond to the questions. Mr Furletti is correct that a range of questions were put to the people who attended those consultative meetings, but the discussion did not exclusively revolve around those questions and the answers given to them. The questions were designed to facilitate discussion at the community meetings.

The consultation period lasted some seven months. It gave Victorians more than adequate opportunity to have input into what form they thought the bill should take. That is true when one looks at the number of responses received in the form of submissions, the number of people who attended the consultative forums, and the enormous number of emails and letters that we as parliamentarians have received. More than 5500 submissions were made in writing and over 1500 people attended the consultative forums held across the state.

During the consultation period we heard from a wide range of people who were more than happy to share their experiences, particularly recent experiences, of racial vilification. That was also the case in the many submissions made to the government in response to the discussion paper. In addition, a document was recently compiled by peak bodies that conducted extensive consultation and contact with various individuals and groups that have been victims of both racial and religious vilification.

Reading and hearing first-hand people's stories about the sorts of racial and religious vilification they have encountered gives one the opportunity to view the need for this type of legislation. I would like to share with the house one story that was told to me and the others at the meeting in Footscray, which makes up part of my electorate of Melbourne West. It was the case of a Vietnamese man who would now be in his 40s. He said that when he was a young man he was at Melbourne University and he thought it would be a good idea to get a job as he needed to earn some extra money to help him through his studies. There were people at the university with whom one could speak about where students might be able to seek employment, but he did not think about going to those people. He says that in retrospect that was very foolish, but there were a few hotels close by and he thought he would go to one of them and ask the owner whether any bar, kitchen or cleaning work was available.

He went to the local hotel, asked for the owner and said he was interested in finding some work. He said he was pretty flexible and was open to doing anything. The owner of that establishment looked at him and said, 'No, we don't have any work here because we don't employ monkeys'. Members can imagine how devastating it would be to have something like that said to you as a young man. That is just one example, and there were many examples.

If honourable members read the submissions and listened to what people had to say in these consultative forums they would have heard stories like this time and again. Earlier I spoke about this document, which is entitled *Racial and Religious Tolerance Legislation Through the Eyes of the Vilified*, and I would like to quote some of the stories these peak bodies compiled as part of their submission. It states:

> For example, to pick up the phone and be constantly exposed to shouts of 'Go home dirty Arab, go back to where you came from', to open mail or email and read that fellow Australian citizens think of you as worse than wild animals! … To constantly be exposed to such hatred, such ignorance and such fear for no reason at all but the fact that you fit a stereotype propagated by our media.

You cannot help but be touched when reading the experiences some people have. I do not say that this vilification is widespread or endemic in society, but it does happen. The reality is that it is alive and well, which is why we need the legislation. Another letter states:

> Earlier exposure to persecution and personal threat, often based on religious, cultural or ethnic grounds, for many has resulted in mental health difficulties such as anxiety, depression and post-traumatic stress disorder symptoms ….
>
> The guilt and shame people feel because of the humiliation and degradation to which they have already been exposed, is compounded by the racism and further humiliation they experience once here in Australia …

Racism and vilification are alive and well. Many of us have heard these sorts of stories over and over again.

There was opposition to the bill. The consultation process brought out a consensus of racist and right-wing groups condemning and opposing the bill. Many members of Parliament received standard and formulaic responses from extremist right-wing groups such as the Citizens Electoral Council of Australia. Submissions from this organisation came not only from Victoria, but from interstate and overseas. They were standard and formulaic responses, as were the responses from Christian groups such as the Saltshakers, the Church of the Open Door, Care Outreach in Queensland and the Christian Outreach Centre in Queensland.

The organised responses from Christian and other organisations often came from states that had the protection of legislation like the bill being debated today. Some people obviously feel it is all right to make submissions about proposed legislation in Victoria. They believe we should not introduce such legislation and that we do not have a right to enjoy the same rights, freedoms and protections they have in their home state.

As Mr Furletti said, many of the submissions were organised, formulaic responses. At some consultative forums the citizens electoral lobby bussed people in. They wanted to capture the consultative forum to make it difficult for people who wanted to make a contribution to have a say. They wanted to make sure they dominated the forum so that their views were heard above everyone else.

Consultation was extensive. The government was prepared to listen to what people had to say on the important questions raised in the discussion paper, and the model bill. The model bill clearly focuses people's attention on how the proposed legislation would be framed. It was always the government's intention that once the issues raised through the consultation process were considered changes would be made to the model bill before it was introduced into Parliament. It was always the government's view that consultation with the community was important; that something tangible should be put in front of them so they would have a clear understanding of the government's policy and platform that it had committed to the people of Victoria, prior to being elected to government. The government is confident the changes incorporated in the bill

encapsulate the concerns raised by various groups and individuals.

The minister assisting the Premier on Multicultural Affairs wrote to all the 5500 people who made submissions or raised particular issues. He explained the changes to them that are now included in the bill before the house. The government has received many positive expressions of support from people as a result of the letters written by the minister. I shall read to the house some of the responses received from people responding to the letter written by Minister Pandazopoulos:

> I would like to thank you for keeping me informed with the progress of this very important bill and am encouraged by your response to community opinion … I am very pleased to see the emphasis on education.

Another letter states:

> The changes appear more than adequate to cover any fears people had in regard to freedom of speech, and we thank you for your quick action on amending the bill.

Hon. W. R. Baxter — Who are the letters from?

Hon. KAYE DARVENIZA — Many letters were sent to Minister Pandazopoulos. Another letter states:

> Thank you for answering to my complete satisfaction. I am very satisfied that I raised this matter with you. I wish you success and fulfilment with the responsibilities you are willing to accept.

Hon. W. R. Baxter — Who is that letter from?

Hon. KAYE DARVENIZA — As I was saying — —

Hon. W. R. Baxter — On a point of order, Mr Acting President, the honourable member is quoting from a number of letters and she owes it to the house to indicate who the authors of those letters are.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! It is the practice of the house that if an honourable member consistently quotes from letters, particularly a series of letters, that member should provide the source of those letters. I ask the honourable member to do so.

Hon. KAYE DARVENIZA — I do not have the names of the authors of the letters with me. I am more than happy to provide them to Mr Baxter later.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! On the proviso that the honourable member has undertaken to provide the source of the letters, I ask her to continue her contribution.

Hon. K. M. Smith — On a further point of order, Mr Acting President, it has been a tradition of this place for many years that people should not make their speeches by reading the words of others, whether in the form of letters, newspaper reports or other material. Honourable members can quote from newspapers or other sources, but they should not build their speech on the thoughts of other people in whatever form they may be.

It is my understanding that the honourable member has been doing that and I ask you to direct her not to make her contribution on the basis of what others have said.

Hon. KAYE DARVENIZA — On the point of order, Mr Acting President, I am not building my speech around quotes from these letters. I do not have the names before me and therefore I will desist from reading any more of the answers, and shall move on to my speech.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! There is no point of order. However, when honourable members are making their speeches they are required to keep quotations to a minimum. I suggest to the honourable member that quotations should be kept to a minimum and that it is important to have available the accurate source of the document in case it is challenged.

Hon. KAYE DARVENIZA — Thank you, Mr Acting President.

Hon. K. M. Smith interjected.

Hon. KAYE DARVENIZA — Mr Smith, just settle down. It is all right; trust me, Mr Smith. I shall run through some examples of the groups that have indicated publicly that they support the legislation: the Adult Multicultural Education Services; the Australian Baha'i community; the Australian Catholic University; the Australian Greek Welfare Society; the Australian Israel Jewish Affairs Council; the Australian Muslim Public Affairs Committee; the B'nai B'rith Anti-Defamation Commission; the Baptist Union of Victoria; the City of Greater Geelong; the City of Kingston; the Ethnic Communities Council of Victoria; the Ecumenical Migration Centre; the Greek Orthodox Community of Melbourne in Victoria; the Inner Western Region Migrant Resource Centre; the Islamic Council of Victoria; the Moreland City Council; the North Western Region Migrant Resource Centre; the Southern Grampians Shire Council; the Anglican Diocese of Melbourne; the Catholic Education Office;

the Law Institute of Victoria; the Uniting Church in Australia; the Victorian Foundation for Survivors of Torture; the United Kingdom Settlers Association; the United Nations Association of Australia, Victorian Division; Victoria Legal Aid; Victoria University — equity and social justice branch; the Victorian Community Council Against Violence; the Victorian Equal Opportunity Commission; the Victorian Trades Hall Council; the Warrnambool City Council; the Western Young People's Independent Network; the Yarra City Council; and the Youth Affairs Council of Victoria.

A large number of organisations have let the government know that they support the legislation. The bill gives the community something it does not have and has not had before. It gives them the same rights that other states give their citizens, but that which Victoria does not. Its purpose is to prohibit the vilification of people on the grounds of race and religion and offers a means of redress for victims who have experienced racial and religious vilification.

The bill provides an avenue for those victims to obtain civil redress that is inexpensive and accessible. I refer to the comments made by the Honourable Carlo Furletti when he answered a criticism that there is no need for this legislation. I support what Mr Furletti had to say in that regard. We need the legislation. Although some means are available in Victoria currently they are inadequate — they are cumbersome, lengthy, awkward, not easy to use, and expensive. There is a need for a form of redress that is accessible and inexpensive.

The other positive quality about the bill is that it promotes conciliation to resolve civil complaints and provides a conciliation forum that can deal with issues of prejudice and ignorance. The bill also meets our international obligations and our obligations under agreements, such as the International Convention on the Elimination of all Forms of Racial Discrimination as well as the International Covenant on Civil and Political Rights.

Victoria is doing what other states have already done by making a contribution to meeting Australia's international obligations and commitments. The bill prohibits extreme behaviour that would deny our citizens the right to participate and to participate equally.

We have been through an extensive consultative process over a long period, one that has involved contact with many individuals face to face and certainly contact through written submissions and by electronic means. The bill is a direct result of the consultation process.

The main changes made to the bill as a result of that consultative process include exception for religious communities that were concerned that the bill may potentially inhibit their religious preaching or the discussion of the practices of religious bodies.

Changes have been made to the definition of criminal intent and a distinction made between the civil and criminal processes. I shall go through the provisions of the bill where changes have been made as a result of discussions and consultation. A preamble has been added to the bill stating that the purpose of the legislation is to encourage racial and religious tolerance and to protect freedom of speech. It acknowledges the importance of freedom of expression and also acknowledges the democratic value of equal participation for all members of society and for citizens to be able to participate in society. It also states the desire of the Parliament to support racial and religious tolerance.

Clause 4, which sets out the objects of the legislation, ensures that the bill will be interpreted in favour of all Victorians to engage in discussion on any matter that is in the public interest, including matters that relate to religious issues. The emphasis of the bill is to resolve disputes and tensions through conciliation.

During the time I travelled throughout Victoria and attended meetings in the metropolitan area as part of the consultative process on the bill the subject of conciliation was most warmly embraced by the majority of people. People throughout the consultative forum generally thought it a good idea to be able to take an issue to conciliation and have the parties sit down to try to work out the problem with the assistance of a conciliator. That reaction has been confirmed in the objects clause of the bill.

One issue that generated concern was the perception that the bill would restrict freedom of speech. All honourable members would have received emails and communications in which people have expressed concerns about freedom of speech. The objects clause further enhances and protects freedom of speech.

It is clear that civil redress and criminal sanctions are two quite separate processes. Classes 7 and 8 deal with the civil provisions for racial and religious vilification. Those clauses specify what behaviour constitutes vilification. They require that that behaviour be of a serious nature to incite hatred, contempt or revulsion. The bill clearly sets out that it is about a person

engaging in conduct that incites hatred against, serious contempt for or revulsion or severe ridicule of another person or another class of persons. I stress that those provisions apply only to serious behaviour. If such behaviour were to occur and somebody believed he or she was the victim of such behaviour, civil redress may be sought by making a complaint to the Equal Opportunity Commission.

Clauses 7 and 8 deal with another issue that was continually raised in the consultative process, particularly by younger people who attended the forums — that is, what if that sort of activity happens on the Internet or through email? Clauses 7 and 8 make it clear that Internet activities are covered by the legislation.

Clauses 24 and 25 provide that a criminal offence is of a serious nature. A higher test is applied than for civil offences relating to racial and religious vilification. The new criminal offence has been clarified so that it is now confined to specific behaviour. The bill refers to inciting hatred against another person or a class of persons, or to threatening or inciting others to threaten physical harm towards that other person or property. It must be behaviour that has the intent of inciting hatred, serious contempt, serious ridicule or threatening physical harm to another person or group on the grounds of race or religion. Clauses 24 and 25 also include provisions for the prosecution of an offence. A prosecution cannot commence without prior written consent of the Director of Public Prosecutions.

I also advise the house that protocols are being developed between Victoria Police and the Equal Opportunity Commission. They need be established to allow the criminal provisions of the bill to be implemented. It is important to stress that under those clauses the accused will need to have intended the communication to have a vilifying effect. I also add that that is a requirement consistent with legislation in other states and territories.

The clauses that I finally deal with are 11 and 12, which set out the provisions for exceptions. The exceptions are available to anyone who engages in matters of public interest — that is, for a genuine purpose and in good faith for artistic, scientific, academic or religious purposes. The exceptions set out in the bill make it clear that the ordinary person has the right to discuss matters that are of public interest. Those provisions provide greater flexibility to ensure that there is free and vigorous public debate but at the same time that the exceptions cannot be used simply as a shield for unrestrained abuse. They must be for a genuine purpose and in good faith.

It has always been the government's intention to protect private conduct or conversations, particularly those that happen in the privacy of one's own home. It became clear during the consultative process that people had some difficulty in understanding the difference in concepts between public and private. The bill proposes that vilification would be unlawful where it occurs either in public or private in circumstances that could reasonably be expected to or where there was a desire to be heard or observed by a third party. I assure the house that conversations that occur in private residences will be taken as being intended to be seen and heard only by those persons who are party to those conversations unless there are clear circumstances where that is not the case. Private conversations will be exempt under clause 12.

In conclusion, this is a very good bill. The house has an obligation to do all it can to create and nurture a safe and harmonious society for our citizens regardless of their race or religion. The Bracks government's Racial and Religious Tolerance Bill is appropriate legislation to combat religious and racial vilification. The bill reaffirms the government's commitment to supporting Victoria's multicultural and multi-faith community. The bill will be a major deterrent to those in our society who want to cause harm, or who want to or have a desire to incite hatred against others in the community because of their race or religion. I commend the bill to the house.

Hon. E. J. POWELL (North Eastern) — Today the house will understand why there is division in the community about this bill. My presentation will be different and come from a different perception of the bill. It will probably reflect the opposite positions to those put by the last two honourable members to have contributed to the debate. It is good that the house can have a mature debate on this important issue, which is not to say that although we come from different sides we do not have the best interests of our communities at heart.

The National Party will strongly oppose the bill. It does so after six months of honourable members undertaking discussion with the community, receiving many letters and having people visit their offices to tell them what they consider the bill will or will not achieve.

When National Party members went to the party room to discuss the model bill and the new bill before the house there was a great deal of debate. We came to the conclusion that we would oppose the bill, and we did so unanimously.

If there is one thing I would like to reflect on it is the title of the bill. The Racial and Religious Tolerance Bill reminds me of the incorrectly named Fair Employment Bill. It should be called the Racial and Religious Vilification Bill, which would reflect what the bill is about.

In December 2000, when the model bill and discussion paper were released for public comment, the National Party had a great deal of discussion. As I said, its members decided to oppose the bill. As the National Party spokesperson on multicultural affairs I spoke to many people, not just in the Goulburn Valley area, which has a large multicultural population, but right throughout north-east Victoria, which the Honourable Bill Baxter and I represent.

There have been discussions about the bill being substantially different from the first model bill. I have read both bills, and although there are some modifications I do not believe they are substantially different. There are some word changes, which means some meaning changes, and in some areas there is a civil content and in others a criminal content. I believe the emphasis has changed, but I will turn to that point later in my contribution.

A great deal has been said about the need for the bill, but I have not seen a great deal of evidence to substantiate that claim. In fact some speakers in the other place said that it may be that having this bill on the books will act as a deterrent. The National Party does not see it that way. The Premier tells us we need the legislation and defends his claim by saying that Victoria is the only state not to have this sort of legislation. What a great message the bill sends to Australia and the rest of the world when Victoria, the most multicultural state in Australia, can get by predominantly living in peace and harmony without having this sort of legislation!

There has been discussion about the states that have racial and religious vilification bills and those that do not. I must say at the outset that the Victorian bill is far more outreaching than any of the other bills, and I will put the reasons on the record. The commonwealth, the Australian Capital Territory, New South Wales, South Australia, Tasmania and Western Australia have racial discrimination laws, but they are all for public acts; the three that have religious connotations or religious vilification in their bills are the Northern Territory, Queensland and Western Australia. It is interesting because Western Australia, as well as having racial and religious vilification in its act, also has political convictions. If we are looking at legislation right across Australia I hope we do not next bring in laws dealing with political convictions that will prevent people from saying what they think about the political arena.

The National Party does not condone racial or religious vilification, or vilification of any kind. It believes the bill will not eradicate racial and religious vilification or hatred; in fact, it may even make it worse. It will divide our communities and drive hatred underground, thereby allowing it to fester and grow stronger and more vicious. The bill endangers freedom of speech and will cause confusion, because people will not know the difference between vilification and discrimination.

Over the years people have come to Australia for many reasons, including to get away from persecution in their own countries. In the other house stories were heard of people coming to Australia for a better life and to escape persecution. They have come to Australia because they know we are a tolerant and free country. People come to Australia as refugees to escape torture and inevitable death for themselves and their families. There are many such people in the Goulburn Valley, and I will speak about them later.

Many people come to Australia as tourists, and that is an area that could be confusing. If there is a complaint against a tourist, whether the conduct is out of ignorance or with intent, that is not a defence under the provisions of the bill. When such a complaint comes before the Equal Opportunity Commission and those people have gone back to their own countries, it will be interesting to see whether they are brought back to Australia, and who will pay. These issues have not been looked at in the bill.

Many people come to Australia as paying migrants. The Honourable Carlo Furletti and I both came to this country as paying migrants. I came to Australia with my family in 1958. My father thought there was no future for his family in Liverpool, England, at that time. He had heard about Australia being the land of opportunity. He gathered his small family together and we came to Australia. We first went to a migrant camp in Preston, where we stayed with many other families. The buildings were just round tin huts, but they are no longer there which is a shame because migrants will no longer be reminded where they first came to in Australia.

When people from different cultures live together in such a confined space you learn tolerance, respect for each other's differences and to value other cultures. The Honourable Carlo Furletti spoke about his childhood, and other speakers in the house have spoken about their childhood experiences. I was one of the lucky ones. I was nine and a half, English, and I looked Australian —

but I spoke funny. I went to school every day on the bus with all the other migrant children, and when that migrant bus stopped outside the Melbourne school the kids outside would spit on us, throw stones, call us names and do all of the things I suppose one would call vilification. It was not pleasant, and many of the boys had split lips or broken noses because they stood up for themselves. We have heard similar stories from other speakers in the other place.

As the Honourable Carlo Furletti said, it put steel in your spine and you learnt to grow up. You did not hide your hatred — you talked about it. Recently I was speaking to different organisations, where people ask you how you got to where you are in life. I was speaking about what happened to me at the migrant camp and what happened to the other people who could not speak English, and how the children were very cruel.

A lady came up to me afterwards and said, 'I just wanted to come and say I am sorry. I was one of those children'. She did not know if it was my group of migrants, but she was one of the young children who used to wait outside the bus stop, throw stones and spit at the migrant children. She said it was just a game and they thought it was just good fun. I believe children are cruel and they learn this behaviour from home. It is important that issues of tolerance are taught at home and in schools. I will return to that point later in my contribution.

I am concerned about clause 19, which states that a child may complain, or a parent may complain on a child's behalf. In the bill the definition of a child is someone under 18 years of age. The difficulty is that under the Children and Young Persons Act no child under 10 years of age can be liable for an offence, so I am not sure who the offence will belong to, and whether it will be the parents. I do not know how it will be dealt with. It is a new concept that was not in the model bill, and perhaps it came out of discussions during consultation. It certainly did not come from any consultation I was involved in. I am not sure why that provision is included and I am not sure if it is in any of the other vilification bills in other states.

In my area some of the young Iraqi girls look different when they go to school. They wear the same uniforms as others, but they are longer, although their faces are not covered, as are their mother's. Children are cruel and they laugh at these young girls. Under this act that is not classed as an offence. It is up to the schools to teach those children that their behaviour is wrong — that it is intolerant and is not appropriate behaviour. It should not be up to a law that pits a child against a child. Parents will be against each other. I cannot see this clause working and I cannot see a need for it in this wonderful multicultural state of Victoria.

Through the years many of us have heard people wearing glasses being called four-eyes and so forth, and this behaviour is an extension of that. I am therefore concerned that part of the bill may have an outcome that the government did not intend. Having lived through those times, I understand how it could become an issue. Children can be very cruel in the playground because they learn those sorts of things at home.

This bill could have huge implications for my electorate because it is one of the most multicultural electorates in country Victoria. It also has the highest population of Kooris outside Melbourne.

After the First World War and because of depressions in other countries, migrants, particularly Italians, who could not find work in their own country, came here to find jobs. Waves of different sorts of migrants went into the country areas because they had very strong agricultural backgrounds. We now have many wonderful Italian, Greek and Macedonian people living together, working on the land and being leaders in our community.

A second wave of migrants came to Australia after the Second World War. Many came to my electorate and went to a wonderful migrant camp — the bones of it are still there but the people are not — known as Bonegilla. The people in the area like to call it 'Bone Gilla' but the migrants in Australia called it 'Bonny Gilla'. However you want to call it, Bonegilla was established in 1947 and is about 20 kilometres outside Wodonga. I remember that when we came to Australia we were given a choice of going to either the Preston migrant camp or the Bonegilla migrant camp.

In 1997 the Honourable Bill Baxter and I attended the 50-year anniversary of the camp. Many people came to the camp from across Australia to reflect on where they came from, to talk to the others about where they had been, what a wonderful country this is, their ups and downs and their families, and it was a great reunion. The Honourable Bill Baxter and I were absolutely pleased to be there, to hear the stories and the songs, watch the dancing and especially to eat the food! It was great to see that funding has come through for block 19, as it is called, which will now be preserved as a memorial. People can continue to come back to Bonegilla to look at where they came from, and the grandchildren of the original migrants can come back and see where their grandparents came from and hear

their stories. A great deal of historical data will be housed in that building.

We have many new settlers who come from many countries across the globe. The latest ones are Arab speaking, many of them Muslims from Iraq and Kuwait. There are 300 migrant families in the Goulburn Valley, which equates to about 2500 people because they have many children. There are 50 such families in Cobram, and over the past 12 months many refugees from the detention centres of Port Hedland, Curtin and Woomera have arrived. They come without warning; they are released from those detention centres and arrive in the Goulburn Valley. In one six-week period 110 refugees arrived, and more are coming all the time. Mr Don Kilgour, the honourable member for Shepparton in another place, and I had to work with the authorities and the state government to find housing and support for those people.

I have been involved with multiculturalism for many years. In 1990 in my position as councillor in the Shire of Shepparton I served for four years on the non-English-speaking background committee. On that committee also were representatives of the providers to the non-English-speaking background communities, to the organisations representing those people and to the council. We were involved in setting up a multicultural hostel, because it was felt there had to be a multicultural hostel to provide the right services to older ethnic people. The multicultural community banded together and funded the multicultural hostel with assistance from the federal government.

As the newly elected member for North Eastern Province I was appointed to the government's multicultural affairs bill committee because of my involvement with people from multicultural backgrounds. I was also appointed to the committee on Aboriginal affairs. My reason for putting that on the record is to support my earlier comments that there is no racial or religious intolerance out there. During the past 10 years I have not had anybody come to me with specific issues. If in fact there is an issue it is dealt with and it goes away.

I would like to pay tribute to the Goulburn Valley Ethnic Council in Shepparton, which takes in the whole district. In particular I want to put on record the great work done by the president of the Goulburn Valley Ethnic Council, Vicki Mitsos, who is also a commissioner with the Victorian Multicultural Commission. Her dedication to migrants and the community was recognised during the centenary of Federation when it was announced that her name would be put on the Women's honour roll. We spoke often with people from the Goulburn Valley Ethnic Council; we regularly deal with issues involving either refugees or other multicultural communities and I often go to their annual general meetings.

Members of the ethnic council came to the National Party with concerns about the model bill. They were going to support it because after the initial consultation they thought that perhaps the bill was necessary, and they wanted me to talk to them about it. However, as I was unable to attend, Don Kilgour went in my place, explained the bill to them, went through the discussion paper and asked them to consider it. The members then told Don Kilgour that they no longer saw the need for that type of legislation.

Mr Furletti read from a report commissioned by the government saying that the issue of racial vilification was not seen as a problem in country Victoria, because there is not the same exposure to people of other backgrounds and cultures. That is not true in many country towns, and it is certainly not true in my area of North Eastern Province. In my electorate we celebrate our differences and we recognise and value each other's cultures, which is what we should be doing. Parliament needs to bring in programs that recognise and value different cultures to ensure that Victoria is a tolerant state. Tolerance needs to be encouraged, not enforced by legislation. I believe that will divide the community.

To sound a positive note, I will give examples of some of the things we do in our very strong multicultural community. We often have cultural weekends where we exhibit different foods and costumes, dance and listen to music. The schools attend. We have a day called St Anthony's feast, an Italian celebration held every year to allow people to see Italian culture at its best. We have a wonderful Greek ceremony where young men dive for a cross. People of the Goulburn Valley know this is an annual celebration and they look forward to seeing which young man will dive down into the lake, pick up the cross and be blessed by the priest. We have a Philippine house which shows all the differences of the Philippine culture and displays many of the designs in dress and other examples of its culture.

The Tongans, who are new settlers in my area, recently held a special Tongan feast and dance day. The Aboriginal community is well represented by an Aboriginal keeping place for cultural artefacts, which attracts many visitors from across Australia. Young Aboriginal dancers attend many of the civic functions and play music on the didgeridoo. It is wonderful to see these young people dressed in special outfits, with paint on their faces, to listen to their wonderful music and watch their dances.

Many of the leaders in my community come from non-English-speaking backgrounds. They are well respected and are seen as role models, which is important. Sometimes we have to teach respect by example, a point we often miss. If we are trying to develop tolerance, we must find role models to teach our young — and older — people respect, because respect promotes tolerance.

The schools in my area do exceptional work to promote multiculturalism. The Kyabram Secondary College has an exchange program with Japan; some of its students go to Japan for one year and some of the Japanese students come to Kyabram. I remember being at a presentation day with a dignitary from Japan who was sitting on the stage with me. While the Japanese children were speaking in their faltering English the whole hall of about 600 children was quiet and very respectful. The Japanese mayor, as he was in his province, was very impressed by the respect and tolerance that the children showed to each other.

That is because they are exposed to each other's cultures and languages. There needs to be more of that sort of exposure. It is of vital importance that there is such education in our primary schools and right through our education system.

In the second-reading speech the government said it recognised the significant role education plays in promoting tolerance and respect, and that it would put in place a range of measures designed to combat prejudice by implementing a comprehensive and long-term education campaign. I wonder why that is not reflected in the bill. At the briefing I asked why the education process had not been put in place and why the bill contained no amendments to the Education Act, and was told that there was an education program in the pipeline. National Party members feel that education in schools and in the community should have been looked at first.

As has been said, the model bill and discussion paper were released in December 2000, after which public meetings were held. In his presentation Mr Furletti called them a sham, and I echo those sentiments. The first public meeting was in Shepparton on 25 January. I guess that was in recognition of the large multicultural population in my electorate. The other country public meetings were at Mildura, Morwell, Geelong, Ballarat and Bendigo, and I know there were a number of consultations in Melbourne and the suburbs. It was important that people have their say and look at the bill to see how it would affect them, so I put out a number of press releases urging people to attend the consultative forums to have their say, to express their views and to listen to some of the comments, and perhaps ask questions.

I attended the forum, as did about 90 others. Many of those 90 people were from Arabic-speaking countries, and they were obviously interested to see how the bill would affect them. The meeting was disappointing. The Minister assisting the Premier on Multicultural Affairs, the Honourable John Pandazopoulos, addressed the meeting and explained how important it was to discuss the bill. He said the reason for the bill's introduction was because Victoria was the only state not to have racial and religious vilification laws. As I said earlier, not all states have religious vilification laws and the model bill was completely different from legislation put forward by the other states.

The people at the forum were given an overview by the consultants and were then asked to separate into groups. They were then asked four questions. Mr Furletti read out some of the questions, which included asking people if they believed the bill should be for private or public instances, and how they thought vilification would be seen in the community. The four questions related to how someone saw racial and religious vilification and how they would interpret it. After 40 minutes the groups were to come back for discussion.

The discussion was interesting because there was much confusion. I had asked the minister if I could walk around the tables and sit in on some of the discussions, and he kindly gave me that permission. As the questions were being asked — and we were supposed to only allow 10 minutes for each question — people were confused at the difference between vilification and discrimination. They gave examples which, when they were worked through, related to discrimination and not vilification. In fact, the discussion got heated because a number of people were giving examples of what had been said to them and much of it was not vilification.

One lady from Centrelink in Shepparton complained that ethnic people also vilified white Australians, as she called them, and she wondered whether it was vilification if an ethnic person called a white person a name. She gave examples of the terrible things that had been said to her, such as calling her fat, and she was offended by that. She was taking the other view, that sometimes ethnic people can be rude. Whether rudeness is vilification remains to be seen. There were also comments to the effect that just because you are offended does not mean you are vilified. That is true. Sometimes we are offended or hurt by something, but that does not necessarily mean we have to take somebody to the Equal Opportunity Commission.

There was much discussion about freedom of speech being compromised, and that came through time and time again.

While the government says there was a lot of consultation, one of the issues I took particular note of was that many of the discussions took place after the meeting. While we were having a cup of tea many people went to the minister and raised a number of concerns. They were against the bill and asked him if he had thought things out. I am not sure whether their comments would have been reflected in the bill, because there was nobody around the minister documenting the comments, and some were quite valid and should have been documented. I am not sure what the government got out of its public meetings. I hear from other people that public meetings were similar across Victoria.

The consultation cost taxpayers many thousands of dollars, but the outcome will not be made public. I refer to an article in the *Herald Sun* of 12 February headed 'Vilification poll kept secret':

> The state government spent $35 000 to find out that most people are against its proposed racial vilification laws, but it has refused to release the findings.
>
> The research found that country Victorians were strongly against the racial and religious vilification laws soon to be introduced in Parliament.
>
> The government paid consultants more than $35 000 to sample community attitudes.
>
> But it refuses to release the research despite a freedom of information request by Liberal MP Nick Kotsiras.
>
> The *Herald Sun* has seen a copy of the research, prepared for the Department of Premier and Cabinet.
>
> Most people believe the legislation will become a minefield, 'a veritable Pandora's box that could need to be tested time and time again in the courts'.

It further states:

> Opposition leader Denis Napthine told the *Herald Sun* the Liberal Party will not support the draft bill.
>
> 'It is quite unusual to have laws that seek to prosecute people that doesn't include a basis of intent', he said.
>
> 'There are very, very few people who would go out of their way to hurt others or incite division.
>
> 'The government should modify the bill.
>
> 'If it doesn't, we will put forward changes. Perhaps you have to recognise that legislation is not the way to go.'.

I refer further to an article headed 'Row on race-hate bill' from the *Herald Sun* of 16 February. I will not read the whole article, but it states in part:

> Public meetings are being held throughout Victoria as part of the government's $850 000 consultation process.

It states further:

> The *Herald Sun* reported this week that secret government research has shown stiff public opposition to the bill. A Palestinian who attended last week's meeting in Brunswick said most participants had rejected it.
>
> Palestinian Refugee and Exile Awareness Association spokesman Asem Judeh said many migrants believed the law would be unworkable.
>
> 'People are against racial hatred, but they want more money spent on education programs,' he said.

That is important.

In his press releases Mr Pandazopoulos has acknowledged that the majority of the 5500 submissions sent to him on the legislation were against the bill. Many honourable members have discussed the mountains of letters they have received over the past six months about the model bill and also the bill before the house today. I have received many letters from outside my electorate and many more from inside my electorate and they are not the normal pro-forma letter. Many people have written long letters asking me to defeat the bill, and letters have been received by my National Party colleagues asking them to defeat the bill.

A number of concerns have been expressed ranging from freedom of speech to the impact on Christianity — a gamut of issues that I am sure my National Party colleagues will also put on the record. Many letters and phone calls that I have received have asked me to oppose the bill. I rang many people back and asked whether they had seen the bill, or just press releases. I sent out copies of the bill to those who had not seen or read it and asked for their comments. Their comments did not change.

There are organisations that are against the bill, like the Catholic Church and other churches, the Returned and Services League, Liberty Victoria and many people of non-English-speaking background, who one would think would support it.

The Shepparton *News* of Friday, 23 February carried an article under the heading 'Church slams new law', which states:

> Presbyterians from the north-east of Victoria have decided to oppose the bill.
>
> The Benalla presbytery, which includes Shepparton and Tatura Presbyterian churches, said the bill was a blatant attack on freedom of speech.

It goes on to say that the clerk of the presbytery, Dr Dallas Clarnette:

> said there was no community call for such a bill as laws already existed to redress cases of abuse, libel and slander.

I have received many letters from church groups. I also received an email from a church group called Australian Christian Churches. A media release states:

> The Australian Christian Churches today urged the Bracks government to abandon the amended Racial and Religious Tolerance Bill.
>
> Australian Christian Churches was established in February last year as a representative body of many of the Pentecostal churches and church groups, and includes Assemblies of God, Apostolic Churches of Australia, Christian Life Churches International and Bethesda Churches of Australia.

The presbytery of Benalla wrote to me urging the National Party to defeat the bill when it came before the upper house and providing the reasons for that request. A letter from St Mel's parish church, a Catholic church in my electorate, also asks me to reject the bill.

A letter from the Wangaratta regional parish of the Presbyterian Church of Victoria, which covers Yarrawonga, Wangaratta and Myrtleford in my electorate, states:

> I am writing to you because of my concerns, both as a Christian and as a citizen, regarding the proposed Racial and Religious Tolerance Bill.
>
> Of course, we should be against racial and religious vilification. But there is no need for these proposed laws. All these new proposals would do would be to inhibit freedom of speech and religion.
>
> I would ask you, as the member for North Eastern, to do all in your power to defeat this proposed legislation.

We have received a number of calls from our National Party branches in my electorate to defeat the bill. One was from the Thoona branch, from Marion Rak, the secretary. A number of honourable members have received emails from a lady called Babette Francis, who I understand is of Indian origin and heritage.

Hon. Andrea Coote — You have to call her 'Mrs'.

Hon. E. J. POWELL — The email does not say whether it is Mrs or Miss. I shall not read the whole of her letter because it is fairly extensive, and I have received a number of them, but I think she makes some really relevant comments that I should like to place on the record. She says:

> For example, people from certain religious groups could easily feel revulsion over pictures of a man dying on a cross. Will they be allowed to therefore take Christians to court because of this? One could imagine many such examples.
>
> …
>
> Objections based on the new version of the bill include the following:
>
> (1) The offence can occur once or on numerous occasions, and can occur in or outside of Victoria! If an American relative sends me a magazine that is critical of certain religious practices, will someone who objects to it be able to drag the American over here to face the tribunal? Will I have to?

I have a letter that was sent to all members of state Parliament from Mr Bruce Ruxton, who everyone knows is the state president of the Returned and Services League. It states:

> The RSL adamantly opposes this new legislation, and our views have not changed since the matter was first raised, maybe 10 years ago.
>
> …
>
> The state executive was unanimous in its opposition to this bill.

Another letter is from Mr David Gawler. I know everyone has been receiving emails from Mr Gawler and his wife, who are very passionate on this issue. They also want to make sure this bill gets proper consideration. This bill is not just an issue in country Victoria, as this letter demonstrates. It states:

> At the public consultation at the Brunswick town hall regarding the above bill —

that is, the Racial and Religious Tolerance Bill —

> the approximately 100 people of diverse racial and religious backgrounds, clearly voiced their fear of and objection to the Racial and Religious Tolerance Bill. The main concern of people at the meeting was that this bill would increase dissension between racial and religious groups and stifle reasonable discussion of such matters.

He says there was a fair degree of fear of prosecution.

As I said, I have received many letters expressing opposition to the bill. The last quote is from the Australia India Society of Victoria, which states:

> The Australia India Society of Victoria Inc., as represented by its executive committee, is strongly opposed to the legislation as it stands, having carefully considered the draft and canvassed legal opinion from within the Indian community. We are very firmly of the opinion that the extreme manifestations of racist behaviour, such as vandalism and assault, are more than adequately covered under our existing criminal law system. Acts of assault and vandalism are acts against the state … Separate legislation is unnecessary and, without taking into account intention or motive (which is what the bill proposes), is nothing short of dangerous.

They are just a few comments that I place on the record from the mountains of information I have received at

my electorate office, and I know other honourable members have also.

I turn now to some of the concerns the National Party has about the bill. I shall start with the definitions. One of the omissions from the bill is a definition of 'contempt'. It would have been reasonable to include such a definition since it will be quite relevant. Also omitted is a definition of 'ridicule'. The definition should be there to show what the bill means by that word.

The Honourable Carlo Furletti spoke about the preamble and the objects and purposes of the bill, so I will not go through all that. He has dealt with those areas quite eloquently.

Clauses 7 and 8 are probably the integral parts of the bill. A number of changes have occurred from the model bill to this version, but not too many. One of the things omitted from clauses 7 and 8 is the reasonable observer position and the penalty provisions, which have now been placed in clauses 24 and 25 — the criminal provisions of the bill.

My National Party colleagues and I have a number of concerns about both of these clauses. Clause 7(1) states:

> A person must not, on the ground of the race of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

The concern we have is about the interpretation of many of those words. For example, a dictionary would define 'ridicule' as meaning to laugh at, make fun of and mock. So if you put the word 'severe' in front of it, it really just means severely mock or severely laugh at, or severely make fun of. I think that issue will have to be interpreted much less broadly than it is at present. When people say things that have to be interpreted, it would still need to go to the Equal Opportunity Commission, which would have to interpret comments under that part of the clause.

Clause 8 makes religious vilification unlawful. Subclause (1) states:

> A person must not, on the ground of the religious belief or activity —

I shall come back to the word 'activity' in a moment —

> of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

What people mean by the activity of religious content will also be interpreted quite broadly. I am unclear about one particular situation. On Monday this week while I was on holidays a number of Jehovah's Witnesses came to my house and talked to me about the way they believe in Jehovah, and gave me some pamphlets that they asked me to read. I took that at face value and I will read those books. It did not offend me in any way. But they could go perhaps to Muslims, who may be severely offended by the type of literature and speeches those people were presenting — and they were doing it in good faith.

We must also consider the issue of religious plays and activities in schools, where young children may be doing part of a nativity scene. We need to know how broadly that part of the bill will be interpreted.

Another concern is about clause 11, which deals with exceptions relating to public conduct. It states:

> A person does not contravene section 7 or 8 if the person establishes that the person's conduct was engaged in reasonably and in good faith —
>
> (a) in the performance, exhibition or distribution of an artistic work …

That will lead to all sorts of interpretations. The example I give is if a comedian tells a racist joke on stage or on television and that joke is repeated in the public arena, the comedian is exempt from the legislation but the person repeating it will have committed an offence under this bill.

Paragraph (a) refers to the performance of an artistic work. I think the public has been outraged by a number of artistic works — if one would call them that — over the past few years. Those works will be allowed under this bill even though they are not in the community's interest or in the best of taste. I am talking about the Serrano exhibition at the National Gallery of Victoria and the play *Corpus Christi* where Jesus was portrayed as a homosexual. This provision will give people licence to say their play or film is artistic while offending many people in the public arena. This bill will still allow those sorts of things to continue to happen.

Clause 12 provides an exception for private conduct. As I said, no other state includes the issue of private conduct; it is all in the public place. The government has brought in this new provision. I would like to know whether this is something the consultations highlighted, but we will never know because we are not allowed to see the outcome of those consultations. Clause 12(1) says:

> A person does not contravene section 7 or 8 if the person establishes that the person engaged in the conduct in

> circumstances that may reasonably be taken to indicate that the parties to the conduct desire it to be heard or seen only by themselves.

This is easily open to interpretation as are many clauses of the bill. However, the person will still need to go to the Equal Opportunity Commission to establish that it was meant only to be heard or seen by themselves. The Honourable Carlo Furletti mentioned that people could be having a private conversation in a private home and say something that could be quite offensive. A window might be open and somebody passing could hear the comment. There will be all sorts of instances where this bill can be used as a vehicle for people to vent their spleen. Many people will see it as going too far and being way over the top.

Clause 14 is headed 'What is victimisation?'. Subclause (1) states:

> A person victimises another person if the person subjects or threatens to subject the other person to any detriment …

The word 'detriment' is defined in the definitions clause of the bill as including humiliation and denigration. We are now talking about being able to stop somebody from humiliating someone. While 'humiliation' may have been taken out of the model bill and changed to 'severe ridicule' the word is still there defining how you are not allowed to victimise.

The National Party cannot understand why clause 17 is in a bill of this type. I am not sure if it is in any of the other bills. Clause 17 is headed 'Vicarious liability of employers and principals'. It states:

> If a person in the course of employment or while acting as an agent contravenes a provision of this part, both the person and the employer or principal must be taken to have contravened the provision, and a complaint about the contravention may be lodged against either or both of them.

This will open a minefield in workplaces. Many people who have small businesses are so busy getting on with the task of trying to make money that they do not necessarily know what goes on in their workplaces. I am sure that if something came to their attention they would severely reprimand the person who said it. I do not know why this provision is in the bill. Where a person is the offender obviously that person goes to the Equal Opportunity Commission. Just because one is an employer should not mean one is responsible for the words or actions of one's employee. Taking that to its end, as part of this bill a child could be responsible. Does that mean that if a child says something offensive the parent must also be included in that offence? That is just ridiculous.

Clause 18 talks about exceptions to vicarious liability and states:

> An employer or principal is not vicariously liable for a contravention of a provision of this part by an employee or agent if the employer or principal proves, on the balance of probabilities, that the employer or principal took reasonable precautions to prevent the employee or agent contravening this part.

The exception will be proven on the balance of probabilities which means the employer or principal will still have to go to the Equal Opportunity Commission. I would like to see the guidelines to be given to employers advising them about reasonable precautions. If the government says employers must take reasonable precautions to ensure this does not happen, surely it will be publishing guidelines about those precautions, or will that be interpreted in the Equal Opportunity Commission or the courts? If the government includes a clause like that, it should provide guidance to employers about reasonable precautions. If that is to be a defence, surely it is better to deal with it at the beginning rather than in the courts and the commission.

I said earlier that the National Party has concerns about clause 19 and who may complain. That clause is about the child and I dealt with it earlier.

An area I find particularly offensive is clause 21, which says the commission must assist complainants. I know that that is a direct example of what is in the Equal Opportunity Act but I find it offensive in that act. I find it offensive because it states:

> The commission must assist a complainant in formulating the complaint.

How can the commission be impartial if it is the organisation that chooses whether the person concerned has a case to answer? If it helps the complainant, how on earth can it be independent? It also means that the defendant must seek his own legal counsel or advice. It is appalling to find that the Equal Opportunity Commission helps the person who rings up and makes a complaint but does not help the defendant who has not been proven guilty but must find their own legal counsel and advice at their own cost.

Clause 22 talks about complaints against unincorporated associations. I find this interesting. Clause 22(1) states:

> A complaint about a contravention of a provision of part 2 by an unincorporated association may be lodged against the association in the name of its president, secretary or other similar officer.

That is bad enough, but subclause (2) states:

> The death, resignation or removal of the person named in a complaint in accordance with subsection (1) does not affect the continuity of the proceeding and it may be continued against the association in the name of that person's replacement.

That is extraordinary. Will the person who is replacing the other person who has died, left or been sacked be told that they will be under investigation? What sort of onus of proof will be put on that person?

Hon. P. R. Hall — That is ludicrous!

Hon. E. J. POWELL — That is absolutely ludicrous. That person could be hauled through the courts, or publicly through the newspapers for that matter, just because the previous incumbent who had not even been found guilty had caused some offence. That is the most ridiculous part of the bill. I have talked about these sort of offences which are ridiculous.

Part 4 of the bill talks about serious vilification offences. The offences are similar to the provisions of clauses 7 and 8 but attract criminal sanctions. Clause 24(1) states:

> A person (the offender) must not, on the ground of the race of another person or class of persons, intentionally engage in conduct that the offender knows is likely —
>
> (a) to incite hatred against that other person or class or persons; and

This must be a new one:

> (b) to threaten, or incite others to threaten, physical harm towards that other person or class of persons or the property of that other person or class of persons.

How could that person be imprisoned if the threat is not carried out. As was said earlier, other legislation can pick up the issues that are being dealt with today.

The Honourable Carlo Furletti spoke at length about the Summary Offences Act being used to give people protection from things such as breaching the peace, graffiti, the posting of bills, using obscene, indecent and profane language, insulting words and threatening a person, disturbing religious worship, common aggravated assault, including threatening a person, and so on. Legislation is already in place that can be used to protect people who have been threatened with bodily harm.

Clause 25 refers to the offence of serious religious vilification. It states:

> (1) A person (the offender) must not, on the ground of the religious belief or activity of another person or class of persons, intentionally engage in conduct that the offender knows is likely —
>
> (a) to incite hatred against that other person or class of persons; and
>
> (b) to threaten, or incite others to threaten, physical harm towards another person or class of persons or the property of that other person or class of persons.

Subclause (2) states:

> A person (the offender) must not, on the ground of the religious belief or activity of another person or class of persons, intentionally engage in conduct that the offender knows is likely to incite serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

Breaches of this provision include penalty units, imprisonment or both. Australia used to having predominantly Christian beliefs, but now it has a number of other religious beliefs. The Honourable Carlo Furletti talked about the practice of 100 faiths in Australia. Churches are concerned about the continuation of their practices and beliefs, and rightly so, because what somebody believes as part of his religious belief another person may find offensive and may even interpret as inciting hatred directed against that person or his belief. Many people from different countries who now reside in Australia are passionate about their religions and their beliefs. It is very important to them and reflects their view of morals and the stance they take on various issues.

Clause 28 refers to the issue of a search warrant by a magistrate. This provision is not contained in other legislation throughout Australia or even in the model bill. Was this something that was asked for during the public consultation process? Why is this provision included in the bill?

Legislation is already in place to deal with most situations, and I refer to the Crimes Act, Summary Offences Act, Equal Opportunity Act and the federal racial vilification laws, which cover offences committed on the Internet or through overseas mail. Many of these issues should be dealt with by federal legislation rather than state laws.

The National Party does not believe the bill will provide the benefits to the Victorian community that the Labor Party says it will. We cannot legislate to eliminate ignorance, bigotry and hatred. Tolerance can be promoted only by education, example and understanding.

The bill will have an impact on all areas of our lives — our churches, school grounds, workplaces and sporting

arenas. The bill is highly technical, subjective, legalistic and complex, and is likely to be counterproductive and an administrative minefield.

The National Party opposes the bill outright and urges other members to defeat it.

Hon. C. A. STRONG (Higinbotham) — I commend the Honourable Carlo Furletti, the Honourable Kaye Darveniza and the Honourable Jeanette Powell for their contributions because they demonstrate the sincerity and deeply held views and opinions honourable members have, and how each person deals with racial vilification and the problem of intolerance in society genuinely and honestly, yet takes a different path to that highly desirably outcome.

The bill is extremely difficult because it touches on two of the principles that I hold to be enormously important. Intolerance and racism are abhorrent to me, as I am sure they are to most members of the house. Conversely freedom of speech is one of the most important things our society possesses. The bill limits society's right to free speech in the name of furthering racial and religious tolerance.

How does an individual evaluate the trade-off between these two important principles? One can say only with great difficulty as each individual can on the one hand abhor intolerance and racism but on the other hand see great dangers to our society and the democratic principles from limitations to free speech.

On this side of the house individuals hold to different and passionately felt views when trying to evaluate this trade-off between the two principles. The Leader of the Parliamentary Liberal Party, the Honourable Denis Napthine, has shown great wisdom and courage by declaring that while the Liberal Party supports the bill, he will allow all honourable members on this side of the chamber a free vote. I commend him for the decision, for although the issues are questions of conscience to me, I am also a believer in the party system and I would have found great difficulty in voting differently to my party. Therefore, as a consequence of my party allowing a free vote on this issue, I do not intend to support the bill.

As the issues raised in the bill are some of the most important the house has ever dealt with, going as they do to both tolerance and free speech, I want to put on the record what I see as the nub of the dilemma. It is a dilemma faced by men and women of goodwill when they seek to impose their perception of goodwill on others by restricting that most important freedom of all, the freedom to speak and express one's mind.

What are the factors that push one towards outlawing intolerance at the expense of free speech or vice versa. Firstly, I ask: are we a racist or religiously intolerant society, desperately in need of action to overcome this blight?

Hon. K. M. Smith — No.

Hon. C. A. STRONG — I would also say no. The Honourable Ken Smith is correct. Australia's record as a nation of almost 100 years in absorbing different cultures, races and religious beliefs from around the world is exemplary. Many other honourable members today have talked about their own family heritage. My family comes from all over the world — England, Scotland, Italy and central Europe. Australia has not always been an amazingly tolerant society. It has changed, but we are not in Victoria or Australia blighted by racism, right-wing skinheads or neo-Nazis marching in the streets. We have no Le Pen. Some will say, 'What about Pauline Hanson?'. We have seen a major backtracking in Pauline Hanson's extreme views. Why? Because Australia simply does not like that sort of thing. Australia's free speech and free press has belled the Hanson cat and has countered the more racist and extreme views of Pauline Hanson.

The bill is an insult to the tolerant society we have built in Victoria because by its very existence the bill says that we have a problem. Otherwise why would we need it? It says that we are not a tolerant society. By its very existence the bill takes out of society's hands the need to work together and find solutions to problems. It relieves society of the discipline of the need to find solutions and simply hands that problem to the politicians and the lawyers. That is hardly a step forward, because both those institutions by their very nature are adversarial. That is not what is needed to build an inclusive solution to society's problems.

Another key question is: to what extent does the existing legislation cover unacceptable behaviour? I quote from a submission that Liberty Victoria made to one of the Liberal Party briefings on 29 May. It said that although it condemns hate speech:

> … our condemnation of racial and religious vilification does not mean that such behaviour should be made a criminal offence. Liberty Victoria believes that the Racial and Religious Tolerance Bill, introduced to the Parliament recently, is neither necessary nor appropriate.

The submission then goes on:

> Freedom of expression is a precious freedom. It must be jealously guarded. Of course freedom of expression is not absolute, but it is vital to the health of our democratic society and must not be curtailed except where absolutely necessary.

The submission from Liberty Victoria goes on to ask why the bill and the penalties provided by it are necessary and covers some of the ground to which the Honourable Jeanette Powell referred. The submission states:

> In fact, existing law already provides a range of different criminal sanctions for racially or religiously-inspired speech. Any conduct involving actual damage to property, or threatened or actual violence against a person, is already a criminal offence — as it should be.
>
> Further, such speech will be a criminal offence if it —
>
> incites another person to do something that constitutes a criminal offence (Crimes Act 1958) …
>
> involves the use in a public place of threatening, abusive or insulting words, or behaviour of an offensive or insulting kind (Summary Offences Act … section 17); or
>
> involves the use of a telephone to menace or harass another person (Crimes Act …

The submission was authored by Chris Maxwell, the president of Liberty Victoria.

Another equally valid question is: what unintended or highly undesirable outcomes may flow from the bill? I quote from a fairly topical article that was written by Terry Lane and published in the *Age* last Sunday, 10 June. It is headed 'Incited by the bill for tolerance' and he says in part:

> The new Anglican Archbishop of Sydney, Dr Peter Jensen, says, 'I will stake my life on the bodily resurrection of Jesus', and that he believes in angels and thinks that women are not fitted by God to be priests.
>
> My natural inclination is to ridicule Dr Jensen, even though the Victorian Racial and Religious Tolerance Bill says that it is 'contrary to democratic values to do so'. Democratic values apparently require us to leave our brains at the door.
>
> The proposed law is of particular concern to anyone who works in the media.

It is interesting to note that the statistics Mr Furletti quoted from New South Wales indicated that some 50-odd per cent, as I recall it, of the charges made or offences under the New South Wales act, which is similar to this bill, were brought against the media. The article continues:

> In January, Pamela Bone wrote an intelligent and morally informed opinion piece in the *Age* about the treatment of women in Islamic communities. Muslims organised complaints to the paper and to Ms Bone about her article. Under the new law, they may be able to do more than complain.

Obviously from the evidence honourable members have heard today, in New South Wales they do. The article states further:

> Consider this. What if two people who have read her [Ms Bone's] article are talking together in a restaurant, and one says, 'Did you read Bone this morning on Muslim women? She's right. These religious laws are ridiculous and I am revolted by them'. A crime has been committed. To wit, Bone has incited 'hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons'.

A final quote which is also extremely relevant and goes to some of the issues that the Honourable Jeanette Powell touched on is:

> Is there any other law on the books that creates a special, privileged class that is exempt from the sanctions of the said law? And why are artists, academics, journalists and scientists special? Of course, it is because we must make sure that it is safe to immerse a crucifix in a jar of urine without fear of litigation by the Roman Catholic Archbishop of Melbourne. That is art and Micks are fair game. This law not only creates special classes of exempt vilifiers, it also creates special classes of victims. I am confident that I can ridicule the Anglican Archbishop of Sydney without fear of draconian consequences. But I hold my tongue on assorted rabbis, imams and devotees of L. Ron Hubbard.

Another key in dealing with the issue is: who has suffered most over the years from vilification and what can we learn from that? Without doubt, over many years the Jewish people have suffered much at the hands of racists and therefore it is no surprise that they are major supporters and advocates of the bill.

But can we outlaw racism and hatred, or legislate away religious intolerance? We simply need look at what is happening today in Israel and the Middle East generally to get an answer. If we could legislate against racism, and make hatred illegal, I ask my Jewish friends: why has it not worked in Israel? The truth is that simply passing a law achieves nothing. Free speech in a free and open society that acknowledges that all people have the right to believe and say what they think, where no individual or group in society can have their voice silenced or be muzzled by the law of the land is the first, continuing and enduring prerequisite of building a tolerant and inclusive society, not outlawing those things.

Another key question is: where do racial and religious tensions exist in the world today? Sadly, the answer is: almost everywhere. If that is true, and I believe it is, the real question is: which nations are having the most success in overcoming this blight and building a more tolerant society? I would argue that those nations that have a total commitment to free speech will in the end get there first. One need look only at the old Communist countries whose empires encompassed larger multiracial and multi-religious communities. By decree, racism did not exist in their empires, nor was there need for religious differences, or even religion at

all when you had Marx, Lenin and Stalin to worship. But as history has clearly shown, once the empires collapsed, close to 70 years of enforced racial harmony was shown to be a fraud.

The United Kingdom, which only a few weeks ago experienced race riots, is slowly moving to greater tolerance. Certainly as one who has visited that country many times for some 30 years now, you can see the change towards a more tolerant society because they can openly and freely discuss these issues. Successes and failures are analysed, lessons learnt, and at the end of the day all society knows that it must and will ultimately find the answers if it is to survive rather than simply forcing the issues underground by making them illegal.

I note that the United Kingdom has had racial vilification laws on the books for many years, and given the recent riots this illustrates again that simply passing a law to outlaw something like racial hatred is a simplistic and unrealistic solution. Society has to work through these issues together.

In conclusion, as individuals we are all driven by our personal beliefs, our personal life experiences, and our personal understanding of history and what that tells us about human behaviour. When I look back over history I see two models of community: at one extreme there is the corporatist model, which subjugates the rights and freedoms of individuals for the greater good of the community, and at the other extreme, I see the model that is built firmly around the rights of the individual.

The history of civilisation, of empire, of political philosophy and even the history of religion itself is about an oscillation between those two extremes and to every other place in between. I, like most of us here, am an adherent of the model built around the primacy of the individual. That model is characterised by a philosophy that says, 'While I may totally and utterly disagree with what you're saying, I will equally as passionately and vigorously uphold your right to say it'. That to me is absolutely fundamental to our democratic system, our rights, beliefs and freedoms, and something I strongly believe in.

The bill takes a few more steps down that slippery slope and says in the same characteristic I used earlier, 'While I totally and utterly disagree with what you're saying, I'm going to make it illegal for you to say it'. Some may argue that the bill is only a small and insignificant step down that slope, and that some greater community good is served by taking that step. I do not agree. Moreover I see it as one of the most important roles that Parliament can fulfil — that is, to fearlessly protect our democratic rights. Paramount among those is freedom of speech, which must be protected against any backsliding that leads us down the corporatist road, no matter how small a step. I find it difficult to support anything that subjugates individual rights for some perceived corporate good. For those reasons I cannot support the bill.

Hon. G. W. JENNINGS (Melbourne) — We are all lucky to live in Victoria. In fact, we are privileged to live in a rich democratic society where we can rejoice in the high degree of cultural diversity in our community. We bask in the glory of the freedom of expression that is near and dear to all members of this chamber.

The community in which my son grows up is just around the corner from paradise on earth. In relative terms, we are extremely fortunate to live in this community with the laws that govern this society and its democratic institutions. We are as close to paradise on earth as any other community on the globe.

Of all the trials and tribulations my son confronts while growing up and thriving in this community — there are many — one he does not have to confront, suffer or endure is the vilification and discrimination that he might suffer if he were a member of the Koori, Somalian, Kurdish, Palestinian or Jewish community. Even though the sum total of the community makes it a very tolerant, vibrant, exciting and wonderful place to live, many of the 150 different communities in Victoria suffer regularly and have to endure such vilification. Even in this community people are not immune from the most unfortunate and vicious acts that incite contempt which occur on a daily basis to discriminate against the lives of members of many communities within our state.

Questions have been raised in this debate to the effect of: if we are such a privileged and rich community, where the lives of the vast majority of the Victorian community are daily enriched and enlivened by the interaction between people of different communities, why do we need such legislation? That is a legitimate question to be asked of members of Parliament.

Many of my friends, who are most tolerant, understanding and generous in their appreciation of the value of members of all communities and who do not have one skerrick of racial intolerance flowing through their veins, still question whether it is appropriate to have this legislation because of the impact upon civil liberties and freedom of expression, issues that are not outlined in our constitution. Their rights are not underpinned by a bill of rights, yet by and large

members of the community in the vast majority of cases go about their daily lives in an harmonious fashion. That is a legitimate question.

The reason I support the bill is that it complements a number of areas where the state chooses on a number of occasions to intervene in the personal lives of its citizens to protect those who suffer at the hands of those who are intolerant, who abuse the freedoms that society affords them and who persecute others. There are a number of instances where federal and state legislation deals with matters such as defamation, blackmail and sedition, as referred to in the second-reading speech. There is a range of legal resources available to those who suffer at the hands of discrimination and seek some redress through the legal system.

The bill adds to the existing set of legislative frameworks that apply in Victoria, and as has been pointed out, are presently on the books of every other state. As many honourable members have said during their contributions, all members of the community would be worse off if this legislation was the extent and undertaking of what Parliament brought to this endeavour. It is clear in the second-reading speech that the bill provides a foundation for a major emphasis being undertaken in the Victorian community to eradicate from society those who incite religious or racial vilification, and those who incite contempt.

In the debate a number of honourable members have ignored that the conscious intent to incite hatred or contempt is the test that underlies the bill and the laws of the land that will apply to these matters. It is not, in a sense, an entrapment of Victorians in their pursuit of their private concerns, jokes or private expressions to family or friends but a test that relates to the intent to hurt others, to discriminate against others and to incite people to join in that conscious effort to hurt other Victorians. That is the justification for the state intervening to have the bill passed, because that is an important element of the legal framework, but it is not an end in itself.

The bill will provide redress and recourse only to a minority of the Victorian community, whereas the government is interested in nurturing an ongoing compassionate, considered and respectful community in Victoria. A lot of the work is required to deal with universal values for the Victorian community through education, promotion and every action of government being consistent to reinforce and support that worthy objective. It needs to involve the active participation of all Victorians in the democratic institutions of the state and their being involved in the community in its broadest sense, so that all Victorians in their daily lives will feel actively as though they have a place and a sense of belonging within the activities of government, schools, businesses and local communities, and so that there is an overriding sense of a common sharing of values, objectives and ideals, which in part build upon and encourage the ongoing diversity of the various cultures and communities that have made Victoria their home.

On a number of occasions during the debate a challenge has been thrown out to say that we can rejoice in the fact that there are common bonds and a basis of understanding within the community that we can build on and reinforce with the bill to provide an opportunity for us to demonstrate how strong the community is. A challenge thrown out during debate has been for the government to acknowledge that the desired outcome, I hope, is that the sanctions in the legislation will apply to a minority who have offended — those who have discriminated against and vilified another minority.

That is the government's understanding of the bill. It would be the government's objective to ensure wherever it is possible — through education and the public policy of the government, through the administrative practices of all government agencies and through promotion and other activities that the government may embark upon — that there is only a residual concern within the Victorian community of the scope and incidence of racial vilification.

The bill sets out a clear framework of how that will occur through the provision of the opportunity for those who feel they have been vilified to pursue a remedy through recourse to the legislation. It will provide access for civil and criminal remedies to be applied through Victorian law. In the first instance it will be through the Equal Opportunity Commission, which initially would be charged with a brief to conciliate, where possible, on matters or to determine whether there is a prima facie case that the matter should be pursued further.

If it is a civil action it could proceed through the Victorian Civil and Administrative Tribunal. If it were deemed to be a criminal offence it would be pursued by the police through the Victorian court system. Within the scope of the bill is the desire for the Equal Opportunity Commission to develop the appropriate protocols and procedures with the Victorian Civil and Administrative Tribunal and Victoria Police to ensure that the matters are handled with the required degree of delicacy and precision.

There is a vexed question with regard to whether any members of the community should be perceived to

have a privileged status that provides them with exemptions under the bill. It is an extremely vexed question for me as part of the government because I am uncomfortable with any issue where there is the capacity for members of the community to exempt themselves from the application of what is fundamentally a human rights issue. Those who criticise the bill for that reason are justified in saying that it may provide a licence for inappropriate behaviour to be pursued in the name of artistic, academic or scientific integrity.

I feel uncomfortable with the concept that people can see themselves outside the standard value system that applies to other Victorian citizens, although I understand that there may be some justification for people to say that the law does not apply to them because of certain artistic licence or because of some religious beliefs they hold, and to justify that before the courts. I believe the test should be on those who are perceived to have vilified or incited hatred or contempt of other citizens or groups within the community, whether they be racial or religious groups. The onus is on these people to demonstrate why the law should not apply to them rather than the law providing a blanket exemption.

I am pleased the legislation has been couched in those terms because I believe people who have opposed the bill because they believe it creates two classifications of citizen are quite worthy of drawing that to the attention of the government and the Parliament. It is important to ensure that when these matters are administered, there is rigorous testing about whether people should be exempt from the application of this legal requirement not to incite hatred or contempt within the Victorian community.

Regardless of whether the starting point is to oppose the bill or support it on the basis I have outlined in my argument, the most important thought that I would like to leave with the Parliament is that regardless of whether we support or oppose the bill, what I dearly hope is that as my son grows up — I hope he flourishes in this community — this bill and this act and this law become redundant. I hope through society that together we can build and nurture and we do not need a law that makes unreasonable impositions on freedom of expression. That will be achieved if every citizen identifies with the values that are held most deeply to show universal respect and regard for one another. If that is the case this law will not have to be used in the future. I look forward to that day and I look forward to a society in which my son will grow to be a happy and healthy contributor to our community. On that basis I support the bill.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to make some comments on the Racial and Religious Tolerance Bill. I start my contribution by saying categorically that I find any form of racial or religious vilification repulsive. I can honestly say that I do not personally know anybody who does not share that view. Certainly in the debate to this stage that view has been shared and is a common view held by all members who have contributed to the debate. I say with absolute certainty that that view will be repeated by everybody who participates in the debate this evening.

I believe the vast majority of people in Australia, and in Victoria in particular, are very tolerant — although perhaps tolerant is not quite the right word to use. Perhaps I should say people are pleased that we live among others with different racial and religious backgrounds. We all espouse the benefits of our multicultural society at every opportunity.

I agree wholeheartedly with the sentiments expressed in the second-reading speech that Victorians take considerable pride in the fact that people from these diverse backgrounds live together harmoniously in our community. I believe that diversity has enriched the lives of all Victorians, and I agree wholeheartedly that in large part we have lived together harmoniously.

We therefore need to ask the question: why do we need this type of legislation? Why is the bill before us tonight? I searched for the answers to those questions. The only reason I can come up with, or see from the government's side, is contained in the explanatory memorandum to the bill. The first sentence states:

> The Racial and Religious Tolerance Bill aims to prevent racial and religious vilification damaging the cohesion and harmony of Victoria's culturally diverse community.

Again I ask a series of questions. Is vilification at such a level that the cohesion and harmony of Victoria's community is endangered? Where is the evidence of that? Do people really believe this legislation is necessary?

Certainly the majority of comments on the discussion paper — there were more than 4000 of them — said the legislation was not necessary. Certainly the vast majority of views expressed in the many hundreds of letters received by my electorate office said the legislation was not necessary, and certainly the balance of opinion from different media commentators echoed the sentiment that the legislation was not necessary.

So once again I ask questions. Will this legislation achieve its objective? Will it further promote harmony?

Even the government says this will not in itself achieve the objectives the government would like to achieve. I quote once again from the second-reading speech:

> While the rule of law can influence behaviour, I want to emphasise that the government sees legislation as only one plank of the strategy in dealing with racial and religious vilification. Most importantly we will focus on a range of non-legislative measures designed to promote tolerance and mutual respect, and to deal with the conduct that vilifies.
>
> The major means by which we will combat prejudice will be through education.

I agree wholeheartedly with those sentiments. Statute law may in some way influence behaviour in our society but it will not determine behaviour. The ultimate determinant of attitudes and views is the education that one receives in both a formal and informal sense by living in a harmonious atmosphere in different communities.

The real danger is that this bill will be counterproductive in promoting tolerance. There is a real possibility that the first time action is taken under this law it will incite an opposite reaction from some quarters of our community. It may incite tension over racial and religious matters and that would be destructive.

We currently live in a society that enjoys a high level of harmony and tolerance towards others. Let us not jeopardise that with this legislation. As I said, legislation does not change attitudes; education or commonsense over a period of time can.

I am aware that what I believe to be race hatred has existed in Australia and in Victoria. To a large extent that attitude was caused by Australia's involvement in the great world wars. I can remember as a child hearing race hatred expressed in the community in which I lived. There was prejudice against the race of some people. In some ways I can understand why race hatred was expressed by some sections of my community. Their family members went to war against other races and in some cases were killed by those from different countries. Of course I can understand the anti-race sentiments that were expressed at that time.

However, I do not hear those views expressed today. I think society's views on these matters have changed and the level of intolerance has dissipated greatly over the years. There is little evidence of racial and/or religious tension in the current generation, and within the next generation there will be even less evidence of it. Today we see young children sitting in classrooms comprising all races, and I certainly am not aware that those differences are perceived by the young people of today. They are growing up in a multicultural society and I do not believe they will carry the sort of prejudices throughout their lives that may have existed when I was a child. That is the first point I wish to make. The bill is unnecessary and may well be counterproductive.

The second point is that the legislation is unfair in a number of ways, and I will point out three. The first way is that the bill exempts certain groups of people. I refer in particular to clauses 11 and 12, which list the categories of people who are exempt from this law. Clause 11 states:

> A person does not contravene section 7 or 8 if the person establishes that the person's conduct was engaged in reasonably and in good faith —
>
> (a) in the performance, exhibition or distribution of an artistic work; or
>
> (b) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for —
>
> (i) any genuine academic, artistic, religious or scientific purpose; or
>
> (ii) any purpose that is in the public interest; or
>
> (c) in making or publishing a fair and accurate report of any event or matter of public interest.

Why are people involved in artistic, academic, religious or scientific work or people publishing fair and accurate reports exempt from this legislation and others not? In that respect it is not fair. People should not be exempted on the basis of the occupation they enjoy as opposed to what you might call ordinary people with ordinary jobs in our society. That view has been echoed through the media commentary, even though people in the media could well be considered to be exempt from these laws.

I refer to an article by Andrew Bolt in the *Herald Sun* of 4 June, in which he states:

> If these new laws are really meant to stop unacceptable vilification, why don't they apply to the powerful people who could do most harm? Why muzzle the voiceless but give a licence to the elites?

I agree with him entirely. Why should there be exemptions? An article by Terry Lane which appeared in the *Sunday Age* of June 10 and from which the Honourable Chris Strong quoted extensively echoed those comments. It is unfair that certain groups of people are exempted from these laws and others are not. I will not repeat the comments in the article, which I thought was excellent, because the Honourable Chris Strong has already referred to it. I will simply say that I

agree wholeheartedly with the views expressed by Mr Lane in his commentary in last week's *Sunday Age*.

The second area that I think is unfair is dealt with in clause 17, 'Vicarious liability of employers and principals'. I find it extraordinary that employers or principals of companies can be held responsible for the comments made by their employees. Once again, there is an exception to that in clause 18:

> … if the employer or principal proves, on the balance of probabilities, that the employer or principal took reasonable precautions to prevent the employee or agent contravening this Part.

But once again that will be a legal minefield. The lawyers will make millions out of that particular clause — the interpretation of what is the balance of probabilities and what are reasonable precautions for an employer to take to ensure that employees do not vilify others in our community. It is totally unfair to expect employers to take full responsibility for every single thing their employees might say. It is very unfair on employers.

The third way the bill is unfair is that it is unfair on individuals. For example, for many years I have had an extremely good friend of Aboriginal background. I have known that person for the best part of 20 years; I have played football against him and then with him in interleague sides and we have a great, friendly relationship. Whenever we meet our conversations are always jocular to the extent that some of the terms we may use from time to time to each other may be interpreted by somebody listening as being of serious contempt or severe ridicule, to use the words in clause 7. Yet my friend and I know very well that we can call each other what we like, and it is all in good fun.

Hon. B. W. Bishop — It is an understanding.

Hon. P. R. HALL — As Mr Bishop says by way of interjection, it is an understanding. It is a sort of friendship, a comradeship we have built up over a number of years. We know each other well and we understand that that is the way we can express our friendship towards each other.

Somebody overhearing that conversation might believe I was attempting to show serious contempt or severe ridicule to that person on the basis of race and may take exception to my comments. That would be unfair because in that instance I would have to go to court and prove that my actions were not based on any intent to incite hatred or ridicule. It is unfair that I would have to go to that expense and equally my friend might be in the same position.

I refer to a comment made by the Honourable Gavin Jennings during his contribution to the debate. He said that in matters such as this the test is whether there was an intent to vilify. They were the words he used — that the test is on reasonable grounds whether there was intent to vilify. I refer the Honourable Gavin Jennings to proposed section 9, which is headed, 'Motive and dominant ground irrelevant'. Proposed section 9(1) states:

> In determining whether a person has contravened sections 7 or 8, the person's motive in engaging in any conduct is irrelevant.

My friendly greeting to my Aboriginal friend, which is purely based on my motive to express my friendship in the way I am accustomed, may be interpreted by somebody as offensive. If a case is made against me my motive is no defence. The comment that the intent is the important test is not verified by the words used in clause 9.

I shall comment on correspondence distributed to members of Parliament by the Uniting Church of Australia. A booklet produced by the Uniting Church was sent to all members and gave examples of how different races may or may not be vilified. The small booklet is titled *Racial and Religious Tolerance Legislation Through the Eyes of the Vilified* and contains a series of small examples. I vividly recall one example where a lady said that her son had been hurt by names he was called when he first attended prep school. He was obviously of an Asian background and the terms used by other classmates to describe him were uncomplimentary and hurtful. Those terms were repeated later in life when that boy was playing football. The commentary in the article suggested that if these laws had been in place there would have been greater discipline on the principal of the school and the administrators of the football league to ensure that those actions would not be acceptable.

You cannot legislate to stop children of prep age making those sorts of comments. In many cases those children are too young to understand that their comments may be hurtful to others. There have been a few well-known examples within the Australian Football League, which has put in place a code of conduct and a process to deal with any potential racial vilification on the field. Country football leagues have done the same thing. They have adopted codes of conduct to prevent those sorts of things happening and they have not done it because there are laws in place; they have done it because it is good commonsense and

part of the education programs they are committed to. The bill would not make any difference to the outcomes of the examples described in that booklet.

The other incident I wish to describe referred to the experience of Arabic students. A story was recounted about some Arabic students who felt they were severely vilified because of the names their fellow students called them. The article said that it often led to fights and tension between the Arabic students and their fellow students at the school. I can understand how hurt those Arabic students felt by the names they were called.

I recall that children in our schools are called a whole range of names, not necessarily just based on a person's race. I remember people being called four-eyes because they wore glasses or carrot-top because they had red hair. That is pretty insulting and demeaning to young people when they are growing up. Name calling is not a novel experience based on a person's race; it is used for a whole range of reasons. It is part of growing up and part of the school experience. Of course, I do not condone that sort of behaviour, but I do not believe the legislation will make a difference in those sorts of cases. Young children invariably call each other names and sometimes they do not realise their comments are insulting.

I conclude by quoting from an editorial in the *Bairnsdale Advertiser* of 4 June. I have quoted only from one other article tonight and there were literally hundreds of articles or letters I could refer to. The editorial is headed 'Amended bill fails to satisfy'. There are five sections I shall highlight. The first in part states:

> … the majority of Victorians who, if they 'vilify' others or behave intolerantly toward them, do so unintentionally. It is impossible always to know how others will interpret our words or actions.

That is certainly true. I recall a recent incident and my absolute profound embarrassment when I walked up to a lady I have known for a while and said, 'You are having another child'. She said to me, 'No, I have just put on a bit of weight'. I almost died and I am most grateful she took that comment in good nature and felt for me in my embarrassment. I apologised profusely for it, but it taught me a lesson that you need to be careful in what you say and how you greet people. Had that person been of a different nature she may have thought I was vilifying her on the basis of her body shape. That would never be something I would do intentionally. There are examples where people unintentionally may hurt others by their comments. The editorial continues:

> The amended bill suggests the state government has forgotten that, by and large, Australians are a tolerant lot, and are not interested in vilifying their neighbours. The ideal of a fair go is not yet dead among us.

I agree with that comment:

> Hopefully, debate on the legislation will keep in mind the value of continuing discussion of the differences that exist between the various ethnic, social, political, philosophical, and religious groups which make Australia such a diverse, lively and productive society. Open debate of this kind is necessary if we are to understand one another.
>
> … Penal sanctions would unwittingly encourage the persistence of enclaves based on race, custom or religion, leading to social division.

As I said, potentially the bill could be counterproductive to its aims. Finally, the editorial states:

> Having set out on the path of ethnic and religious pluralism, Australia has achieved a harmonious society unmatched anywhere else in the world. Our parliamentarians should do nothing to exacerbate the slight (and deplorable) incidence of bigotry and similarly reprehensible behaviour among us. The proposed legislation is ambiguous, ill conceived and risky. It may increase suspicion, fear and resentment.

I have chosen that editorial because it echoes exactly my thoughts on this bill: it has the potential to be counterproductive and it is unnecessary. I believe the sentiments expressed in that editorial of one of the local newspapers in my electorate expresses the views of the vast majority of people I represent. And tonight, both on their behalf and in expressing my own personal view, I will be voting against the bill.

Hon. P. A. KATSAMBANIS (Monash) — In speaking on this bill I place on record that it is an absolute delight to live in probably the most tolerant city in the most tolerant state in the most tolerant nation on earth. The country that we are all privileged to live in is one where people of every single race, nationality, creed and religion now live in peace and harmony. It is something that we take for granted on a daily basis because it has become an established norm.

But if we compare Australia with other nations on earth and compare its present situation with where it was a few decades ago, we start to treasure what we have built in this society in Melbourne, Victoria and Australia over the past few decades. It is the most harmonious and tolerant — in fact, it is beyond tolerant; it is the most accepting — community in the world. We accept each person on their own merits. That is something we should all be proud of. We are not people who have had to endure long periods of race hate, religious hate, warfare or aggression. That is something we should all cherish, but it is also something we should never take for granted.

Previous speakers on this bill have talked about the fact that some of Australia's old attitudes, which we jettisoned, were born out of world war and fighting against an enemy on distant shores. I must beg to differ with that view. I do not think the Australian nation was ever at war with the Chinese on the goldfields. I do not think it was ever at war with the people it excluded from its shores through the White Australia policy, and I do not think it was ever at war with the wave upon wave of immigrants who came to this country at the conclusion of World War II who suffered inherent, regular and in some cases systematic racism for a very long time.

I believe expressions of racism are born out of ignorance, and in many ways from a lack of contact. The best way to fight perception and inherent prejudice is to allow people to coexist and, as I said in the debate on the relationships bill, to allow them to live together and realise that they have far more in common than what separates them. Being forced to live together in a place — be it a suburb, city, state or nation — makes people realise they have a lot more in common with their neighbour than what divides them. It is that which creates the tolerance and acceptance that we have come to cherish in this country. But to pretend that racism, intolerance and religious bigotry do not exist is to not accept reality.

I come to this debate from a non-English-speaking background. I am proud to have been born here and to be an Australian, but I am also proud of the heritage that my Greek-born parents brought with them and passed down to me.

I also come to this debate as a Liberal who cherishes a set of liberal values and principles that I hold dear. One of those is the principle of freedom of speech. But when we look at rights and principles we know that often they have to compete. In this case the right to free speech competes with the right and privilege to protect the dignity of each and every individual in our society.

When it comes to free speech I will defend that right absolutely. But there is a difference between defending that right absolutely and calling it an absolute right. In our society already freedom of speech is not an absolute right. People can say anything they want but it is subject to the laws of defamation, for starters, as other speakers have already highlighted in this debate. We know that beyond the laws of defamation, where we protect people's character from scurrilous accusation, other rules exist that limit free speech. One great example is an old axiom at law, that someone cannot walk into a crowded picture theatre and yell out, 'Fire!' because that would most likely incite a stampede that would put people's lives at risk. So we do not give people in our society absolute freedom in that respect.

Free speech is a right and it is a privilege, but it is balanced against other rights and privileges. I would be the last person to eschew free speech; in fact, I will defend people's right to free speech. I will defend people's right to express their viewpoint fully and freely, but I will also defend people's right to their own dignity and their individual right to exist free from harassment and free from actions of gross hatred that incite potential and in many cases actual violence.

I said earlier that if people think race hate does not exist today in our country, state and city they are not living in the real world. I invite honourable members who do not believe race hate still exists to visit Caulfield and East St Kilda in my electorate on a Saturday and witness people going about their ordinary lives, exercising their right to free speech, free assembly and free worship who are subjected on occasions to the vilest forms of hatred and ridicule. I have witnessed it with my own eyes, and I have felt ashamed and demeaned.

When I balance the right of the Jewish community to freedom of speech, freedom of existence and freedom of religious worship without that form of vile denigration against the right of those bigots to yell, scream abuse and throw missiles at them, I know that the dignity of that minority being abused is a precious right that we should uphold as equally as any right to free speech. I invite honourable members to come down on a Saturday and see that systematic hatred practised by a very tiny minority of our population. I ask honourable members who do not believe race hate exists: if they witnessed it with their own eyes, would they think that was an expression of free speech or simply an act of gross violence based on religious and racial bigotry?

When we talk about rights we must understand that in this society there are always competing rights. In any such situation of competing rights we must balance the fair, the just and the reasonable as opposed to the unreasonable, the inflammatory and the downright inhumane and inhuman. If we look at this bill in that perspective, I think we will start seeing it in a different light.

Members who have spoken before me have spoken about the process by which the bill arrived in this house in its current form. It has been a difficult and tortuous process. In many ways it is a process that has not done this bill or the principles of fairness and equity, of dignity of the individual and the protection of free speech any good; it has not served those principles well.

The government produced a discussion paper with a draft model bill. On the balance of rights I spoke about earlier, I found that that bill was a severe encroachment on the rights of free speech. I do not know whether that was intended. I am someone who always likes to take the most positive view of actions rather than a negative view, and I would like to think the consequences of that original bill were unintended rather than intended. Producing a bill before the actual consultation process has been completed is not the right thing to do.

Hon. S. M. Nguyen — It was a draft.

Hon. P. A. KATSAMBANIS — Mr Nguyen says it was a draft. I would have thought that a testing of the waters in this very difficult area before a draft bill was produced may have resulted in a better outcome and a better understanding. Nevertheless, we have got to this situation now. The government has been dragged kicking and screaming into this position rather than its original position.

I like to see this as a benign and benevolent bill. It is modelled largely on New South Wales legislation which has existed for 12 years, having been introduced by the Greiner Liberal government.

Hon. S. M. Nguyen — By Nick Greiner?

Hon. P. A. KATSAMBANIS — Yes, that is right, the Greiner Liberal government. That legislation has operated in New South Wales for over a decade with almost no impact whatsoever upon that state. I do not see this bill has having any significant impact on people's right to free speech. I do not see this bill as curtailing people's actions or activities, their religious freedom or their freedom to express their views publicly — or privately, for that matter. That is very much unlike the model bill. It is a credit that we, as a mature society, have been able to move from that flawed position in the model bill to here: it is a great credit to everyone for listening. I do not think this bill will radically alter the legal status of free speech or expressions of various pluralistic viewpoints in our society in any way. The proof is in the pudding in New South Wales, with more than a decade of operation of almost identical legislation with similar purposes and functions. There has not been any curtailment of freedom of speech, and there has not been any reported undue interference with freedom of expression or people's exercise of their other rights and freedoms.

However, this bill will send a clear and unequivocal message that racism is not acceptable in our society, that acts of gross race hatred, acts of gross religious bigotry and hatred, and incitement of others to denigrate or in any other way physically harm another individual or group of individuals based on their race or religion are simply not on. That is not accepted by Australians. That is not an expression of free speech, it is an expression of hatred which we as a civilised, accepting and tolerant society will not put up with in any way, shape or form. Insofar as this bill expresses those sentiments, I am happy to support it. As I said, the bill will send a clear and unequivocal message to everyone in our community that the people of Victoria are open, accepting and tolerant and will certainly not welcome, acquiesce in, accept or tolerate expressions of racial hatred or religious bigotry or any incitement of others to denigrate or harm people because of their racial or religious background. That is quite clear.

As someone who has grown up and lived all of my 35 years in Victoria I have to say that I am a proud Victorian and a proud Australian. I feel extremely lucky that I have been able to grow up in Victoria as someone from an ethnic background without undue prejudice and hatred. However, if I came into this place and said I have never experienced racism directed at me or friends of mine I would be lying. I do not condemn the people who have exercised racism against me or friends of mine or in front of me towards other people, because they know no better. In most cases I have seen that through interaction even those people have been able to change their attitudes over time and realise that what unites us, what makes us Australians one and all, is more important than what separates us.

However, I have to say that being subject to racial hatred as a child or an adult is not pretty. It has not been gross or undue, but on some occasions it has been there. Although it has never made me feel second rate or second class in any way, it has made me look at someone else and see them as somewhat compromised. The people expressing racial hatred or religious bigotry are the ones who should, by rights, feel second class and second rate, not the victims of their hatred and bigotry.

It still exists, and if there is anything this bill can do that is positive it will be to stop some of those people from expressing that hatred and bigotry towards others so we can become a more inclusive and tolerant place than we already are.

Growing up in a pluralistic and multicultural society taught me a lot as a child. I cite one example to show how the various ethnic communities in this state and nation can coexist despite ancient hatreds and bigotries. Opponents of the bill suggest that one of the major uses of the bill will be to pit ethnic community against ethnic

community, to import ancient hatreds and bigotries from far-off lands into Australia and Victoria.

That is a real fear. All I can do is illustrate through a personal example why I believe coexistence from growing and living together helps solve those problems. I grew up in Prahran in the 1970s in essentially an almost monocultural society. Around 70 per cent of the children with whom I went to school came from a Greek immigrant background like I had. Most of the families in my street came from a Greek background. Most of the conversation in the homes was Greek. As honourable members would know, for the past 500 or 600 years the ancient enemies of the Greeks have been the Turks. Those bigotries and hatreds continue to this day on the other side of the world, tens of thousands of kilometres away. On a terrible day in June 1974 the Turks invaded the island of Cyprus. I will not go into the history of that conflict, but I can say that a few months later Turkish families started to arrive in Prahran and one family moved in next door to my family.

Growing up with a Greek background, knowing the old hatreds and bigotries and the recent example of Turkey invading Cyprus, which is essentially an island where Greek was spoken until it was invaded by the Turks, one would imagine if the doomsayers were to prevail that that would be a recipe for disaster. Having Greeks and Turks living in Prahran when the Greeks and Turks were at war 10 000 kilometres away, would, one imagines, be an absolute recipe for disaster. However, to everyone's credit we were an established ethnic community watching a new ethnic community make a new home in this country. They came from poverty and made a new life for themselves in a new home. It is to the credit of all those people in the area that we managed not just to survive, but to become the best of friends. We were neighbours not just in proximity, but in action as well.

If they needed to borrow something, they borrowed it; if they needed to have their children baby sat or looked after for a few hours if someone went shopping or went to work, we would do that and they would reciprocate. As a result lifelong friendships were forged at a time when thousands of kilometres away people of the same ethnic backgrounds were at war with each other. That is why I continually say that the best way to fight prejudice, be it racial, religious, colour, creed or sexuality, is to make those people coexist. That is a real life example that I lived through, and I hope it indicates to nay-sayers who say the bill will invite ancient hatreds and problems to be fought out in the courts of Victoria, that it does not have to be the case.

The principles the bill promotes are not principles of hatred and division. The purposes and objects clauses are clear. The principles are based on tolerance, inclusiveness, acceptance and understanding, not on bigotry and hatred.

I say to all those people: for a moment put your prejudices aside and try to accept the fact that in the past 20 or 30 years Australia has moved forward from what was a shameful history of racial integration going back to the gold rush and before that when it was mainly religious prejudice between the Irish and British — something I am not fully qualified to discuss because I do not understand the old hatreds.

It was also shameful that Australia promoted and revelled in a White Australia policy. It is a history we should not run away from, but a history that should be a signpost to our future; a signpost that says we can change as a society. It was not so long ago that we did not allow people who were not white to come to Australia or subjected people to a language test before they could get into Australia, but we have managed to put that aside. I hope that systematic prejudice that I talked of earlier, that I have seen practised on a weekly basis against the law-abiding Jewish community in my electorate, a community that should be praised for its success rather than denigrated for its background, history and tradition, will change in the future. I hope the bill will contribute to those prejudices going away, so we can increase harmony in this nation and state.

I now express some concerns I have with the bill that have been outlined previously by other speakers. I refer to clauses 17 and 18. Clause 17 imposes vicarious liability on employers and principals. Clause 18 creates a series of exceptions to vicarious liability. Vicarious liability is a concept that permeates various layers of our law. It relates to an employer being liable for the actions of his employees in the course of employment. 'In the course of employment' is the important phrase because it means the employee may do something in furthering the job that he is paid to do. I put to the house that racism, intolerance and religious bigotry have nothing to do with a person being in the course of employment. The expressions 'racial hatred and racial bigotry' are personal. If an employee made a mistake operating a machine or put dangerous goods in a place where he risked injuring the public, that is happening in the course of the employment, and the employer should be vicariously liable.

I am concerned that an employer will incur a strict liability offence that has nothing to do with the furtherance of the duties of an employee because the employee expressing racial hatred or religious bigotry

will not be doing it in any way, shape or form in the course of employment. I have no problem with employers who have knowledge of an employee engaged in this sort of behaviour and who do absolutely nothing about it. I have no problems with those employers being made liable, but that is actual knowledge. I have a concern about constructive knowledge and strict liability. One must separate actions taken in the course of employment from actions that an employee might take on a personal basis during the course of employment, but certainly not in the furtherance of anything that they have been employed to do.

I ring a warning bell and hope the government takes it on board. I know the government has rejected the opposition's amendments, which were logical, fair and reasonable and relied upon actual knowledge in order to convict an employer either in civil or criminal liability under this bill. I hope that if in the years to come it is found that these two provisions have created an unfair burden on employers that the government, if it is in office, will revisit them and make the necessary changes.

I make a commitment that if I am in a position to influence a Liberal government in the future if any ill is done through these two provisions, I will do everything in my power to influence that Liberal government to make changes. It is an area that we must watch. I ring the alarm bells and say that to impose strict liability and vicarious liability on a third party for the personal actions of an individual is a danger and must be watched.

There is nothing in the bill in its current form that threatens the legitimate expression of free speech and the exercise of that cherished right in our community. The limitations must be read in conjunction with and in comparison with the other limitations our society places on free speech, they being the limitations that protect the nature and good character of other individuals from defamation or inciting a stampede or a panic in the case of fire in a crowded theatre or any other crowded space. Similarly, inciting gross racial hatred will be forbidden, and for the reasons I have outlined I think that is a positive and a negative.

We live in the most harmonious, tolerant, accepting and welcoming society on earth, but to claim that we are a nirvana of racial tolerance or even a utopia of racial tolerance is to live in a fantasy world. There are still examples of systematic racial hatred practised in our community, and I hope the bill on its passage will send an unequivocal message to those purveyors of that hatred and bigotry that this society does not tolerate it and does not consider it an expression of free speech and that it considers it an invasion of that other important principle, the dignity of every individual to live and operate in this society free of hatred, free of prejudice and able to go about their daily lives like we all do.

Debate adjourned on motion of Hon. S. M. NGUYEN (Melbourne West).

Debate adjourned until later this day.

APPROPRIATION (PARLIAMENT 2001/2002) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

BUDGET PAPERS, 2001–02

Debate resumed from 12 June; motion of Hon. C. C. BROAD (Minister for Energy and Resources):

That the Council take note of the budget papers, 2001–02

Hon. D. G. HADDEN (Ballarat) — It is with pleasure that I speak on behalf of the Bracks Labor government in support of the budget papers. The budget statement of the Treasurer in its overview included the statement that the 2001–02 budget delivers today and builds for tomorrow. The government's commitment to responsible financial management demonstrates that the budget delivers a substantial operating surplus of $509 million in 2001–02 and an average surplus of around $500 million over the following three years.

I heard the Honourable Neil Lucas previously speak about the place to be and what it meant. It means that Victoria is the place to be, especially in the period of the Bracks first budget and now its second budget. It is the place to be whatever you want — the sky is the limit. It is about freedom, choice and democracy.

I could cover a number of areas in relation to the budget papers, but a number attract my passion, one being transport in rural and regional Victoria. I will talk about what the budget delivered to my province and the four Legislative Assembly districts within the province. I will also look at community safety, police and corrections, which is another passion in my previous life as a barrister and solicitor. I will also mention

access to justice and a few other items that directly affect my electorate.

At the outset I highlight the Bracks government's four key pillars in its policy program in the second budget — continuing responsible financial management; growing the whole of the state, including both rural and regional Victoria; delivering improved services to all Victorians; and restoring democracy.

In relation to transport, I had the pleasure to be with the Premier and the Minister for Transport on the Ararat railway station the other Friday with hundreds of other people. My mother had the pleasure of being with me. Other friends from Creswick also attended. They travelled by public transport in the V/Line coach from Creswick to Ballarat and then from Ballarat to Ararat for the announcement of the reopening of the four rail lines in country Victoria, especially the announcement of the reopening of the railway line to Ararat.

The occasion of that announcement was a joyous one. People from the Wimmera and the Mallee, schoolchildren from Ararat and people from as far afield as Traralgon attended the announcement. In summary, the Premier's announcement was for the restoration of services on the four rail lines closed by the former Kennett government. The Premier said that rail services would be progressively reopened to Ararat, Bairnsdale, Mildura and South Gippsland. Most importantly, the restoration of the services to those regional areas will not only boost tourism but will also provide an impetus to move regional development forward and will attract more than 100 000 extra passenger trips each year to public transport services in those main corridors.

The Ararat railway station is an historic site. I last attended there with Mr President for the longest lunch event in March. We then had the pleasure of witnessing the great Australian grain train roaring through, as happened again on 11 May on the occasion, as I said earlier, of the announcement of the reopening of rail lines by the Premier and the Minister for Transport. On that day the grain train respectfully stopped while the announcements were being made. Then the Premier and the Minister for Transport had photos taken inside the engine driver's compartment. Once the media had had its fill, the train proceeded on its way.

The railway line to Ararat was closed in 1993. That was terrible and should never have happened. The people were devastated by that announcement. The last V/Line passenger train to Ararat operated in May 1994. Since then only part of the track to Ararat — the passenger trip to Geelong — has been used. That has meant about a 20 per cent drop in tourism to the Halls Gap region. The recent announcement about the reopenings was important and was well received. The government will spend $32.7 million in capital works to reopen the four lines, as well as providing an operating surplus for the country rail services. The final subsidy for the reopened line will be determined by a tender process.

Between Ararat and Ballarat lies about 92 kilometres of rail track, which will require $5.4 million in capital works to bring it up to the safety level required for the carriage of passenger trains. The main works will be required at Little Fiery and Fiery creeks; a lot of work needs to be undertaken there on drainage works and in repairing flood damage.

At present the V/Line passenger coach runs between Ararat and Ballarat, and attracts about 68 000 passengers a year. The National Express, the V/Line passenger operator, will be invited to run the Ararat service as an extension of the existing service from Ballarat, and that is expected to attract 25 700 extra passenger trips each year.

There is a great need for the train to stop at Beaufort, the in-between station. The train service to Ararat was announced to commence in mid-2003, following the completion of the works that are required to upgrade the rail line for the passenger train. The expected speed of the train will be 130 kilometres per hour, resulting in a running time of about 50 minutes between Ararat and Ballarat, which would sometimes be faster than by car on the Western Highway, the major route to Adelaide.

The other announcement in the budget was about the reopening of the passenger rail line from Ballarat to Mildura. The first passenger rail service to Mildura operated in 1903 and the last train to or from Mildura ran in September 1993. That line has continued to operate as a freight line under the control of Freight Australia. I commonly call it the grain train. The grain trains are frequent users of the line.

The approximate 453 kilometres of track between Ballarat and Mildura is in generally good condition. Many trains use that line during the grain harvesting season. Approximately $7.7 million in works will be required to restore the track to a suitable standard for passenger trains.

As part of the government's rail standardisation program, $96 million was committed in the budget for the standardisation of regional line tracks. That will be done in partnership with the private sector. The current broad-gauge track from Ballarat to Mildura will need to be standardised. That will enable the development of

the mineral sands industry about which the chamber hears so much. You, Mr Deputy President, have a keen interest in that industry, as it is based in your electorate. That rail line will create an efficient link between Mildura, Ballarat and the port of Portland.

It is expected that the new rail service between Ballarat and Mildura will stop at Maryborough, St Arnaud, Donald, Birchip and Ouyen. The commercial operators need to look at stops between Ballarat and Maryborough because about 5000 people commute between Maryborough and Ballarat by car, V/Line coach or private coach. Many students travel to schools in Maryborough from Creswick and Clunes. Often people have to give up the opportunity to hold down jobs because the starting times for those jobs do not link in with the arrival time of the V/Line coach service from Creswick. I will be pushing the private operators to have the rail service stop at the three stops between Ballarat and Maryborough, which would be important for the rural communities.

The train service from Ballarat to Mildura is expected to recommence in 2004 following completion of works to upgrade the rail line, as I said earlier. The purchase of new Sprinter-style trains will meet the customer needs for long-distance travel. The trip from Ballarat to Mildura is long, even by car let alone by public transport. The travel time for the present coach service between the two cities is about 6¾ hours, and it is expected that that journey time will be somewhat less once the passenger train is running again. Schedules will need to be reviewed in consultation with the operators, taking into account the route options and stopping patterns of the service.

As was disclosed in the budget, at the end of May the Minister for Transport called for expressions of interest for the fast rail project. He announced that that rail project was to be one of Victoria's largest for a century. He said it would be the biggest upgrade of Victoria's regional rail network since the 1880s and would be the single biggest investment in our rail system since the underground rail loop was constructed in the 1970s. The fast rail project is expected to be completed by 2005 and will be the centrepiece of Victoria's regional rail system. As the government has announced, it will contribute $550 million to the fast rail project, which is estimated to cost about $800 million.

The benefits to regional and rural Victoria will be limitless. The project will upgrade 500 kilometres of track, fix sleepers, ballast, and bridge structures and involve the purchase of new rolling stock that will be able to travel at speeds of up to 160 kilometres per hour. The new rolling stock will need to be purchased by National Express, which has the existing franchise agreement and contract with the government. The Minister for Transport announced that about 6 million passenger trips are made each year between Melbourne and the four major corridors of Ballarat, Bendigo, Geelong and the Latrobe Valley.

Following the announcement of the reopening of those four country passenger lines at the Ararat railway station on 11 May the media attention was phenomenal. For example, the heading on page 12 of the *Herald Sun* of 12 May was 'Bracks commits $32m to rural railways'. Some of the local people in Ararat were asked what they thought of the country rail boost. Christina Stiggar of Ararat said:

> I think it's good. It's about time. It was like something had been cut away, like you'd lost your hand or something when they closed them down.

Gordon Jerram of Ararat said:

> I think it's great. It'll be great for tourists. It'll be a real boost to the local economy.

Jean Murphy of Ararat said:

> Yippee. It's great news. I was here when they took the trains away. Too right I'll use them. It'll be good to get to Ballarat easily.

The visit by the Premier and the Minister for Transport to Ararat featured prominently in the Ballarat *Courier* of 12 May. Under the heading 'Ararat back on map,' the article described the revamped rail service to Ballarat being set to reopen in mid-2003. The article states:

> Ararat Rural City Council Mayor Peter O'Rorke applauded the government's announcement.
>
> 'This will put us back on the map', he said. 'We tend to be forgotten out this way'.

How very true. The government will build an integrated transport system revitalising and linking roads, rail and ports. The Bracks government is in the business of putting regional and rural Victoria back on track and back on the map.

I will briefly summarise the budget allocations with regard to the four lower house districts in my province. The budget will deliver $1.158 million to the Forest Street Primary School in Ballarat West. It will deliver $1.497 million to the Pleasant Street Primary School for stage 2 development of its classrooms. It will deliver $1.56 million to the Sebastopol Secondary College. It will deliver $5 million to the Ballarat TAFE College, and it will deliver $1.5 million to the University of Ballarat School of Mines. It will deliver $4 million over

four years for Victoria Legal Aid and Community Legal Centres to provide legal advice and representation to the most disadvantaged in our community.

The budget has provided for aged care in Ballarat. Some $4 million has been allocated for the Ballarat health service stage 2 aged care redevelopment for a new geriatric evaluation unit. Some $832 000 has been allocated to the Mount Pleasant Primary School classroom redevelopment project. In the seat of Ripon the budget has allocated $7.3 million for a major redevelopment of the Ararat hospital. The project includes 40 new acute beds, a new operating theatre, a new acute and emergency unit and a birthing suite. It will give direct access to high-quality acute health care. Also, $3.3 million has been allocated for the Stawell District Hospital to redevelop and expand its new ward facilities.

Some $5.4 million has been allocated for the reopening of the Ararat rail passenger line by mid-2003. A 26-bed specialist unit will be built within Her Majesty's Ararat Prison, and the future role of Langi Kal Kal prison at Beaufort within the context of redevelopment of the prison system is currently being considered and reviewed by the minister.

Aged care received $3 million for the Maryborough District Health Service at Avoca and Dunolly for aged care and health service redevelopment. Also $600 000 was allocated for the stage 1 planning of the Maryborough educational precinct, which will be very important for that wonderful town. Some $1.7 million was allocated in the budget for the Kyneton hospital for the completion of redevelopment of that project. Romsey received $1.1 million for a new ambulance station and new vehicles. Some $5 million was allocated for a new 24-hour police station at Gisborne, and $545 000 was allocated for replacement of the Romsey police station. The Bacchus Marsh Secondary College received $4 million for its science and technology centre, and the historic township of Tylden, which is nestled between Trentham, Woodend and Kyneton, received $843 000 for redevelopment of its staff and administrative block and technology-enhanced classrooms. That small, historic country school was founded in 1862.

Another boost for the Central Highlands region, which is part of my electorate, was $20 000 for the Central Highlands Regional Library Corporation. It does not sound much, but it will go a long way towards funding the purchase of new large-print materials and audio books for older and vision-impaired residents. The Creswick library features, as part of the Central Highlands Regional Library Corporation, as do the Ararat, Ballarat, Central Goldfields, Hepburn, Moorabool and Pyrenees municipalities. The $20 000 allocated to the Central Highlands Regional Library Corporation is part of the budget announcement of $24.6 million allocated to public libraries in the state.

The other great news for the City of Ballarat proper was the announcement on 25 May, at which I was present with the Minister for State and Regional Development, of $2.75 million from the government's Regional Infrastructure Development Fund towards the total upgrade of the Bridge Street Mall in the centre of Ballarat. The project will cost a total of $4.1 million. The mall has not been rejuvenated or redeveloped since it was constructed in 1979.

The other great announcement for the Ballarat district is the announced move of the State Revenue Office to Ballarat. The contracts were signed on Tuesday of this week between the SRO and the University of Ballarat for the construction of the new SRO office at the Technology Park of the University of Ballarat at Mount Helen. That successful decision will result in 40 per cent of the functions of the SRO being transferred to Ballarat. That will involve 50 jobs in the construction phase of the new premises at the Ballarat Technology Park, and it will mean approximately 200 jobs in place by October 2002. The regional benefits of that move of the SRO to Ballarat will include ongoing recurrent benefits to the regional economy of more than $16 million per annum — nearly $100 million over six years. As the Treasurer said, there are fantastic lifestyle benefits for the SRO employees at Ballarat who make the move, and I would like to say, 'You name it — Ballarat and district has got it!'.

Another part of the budget that is dear to me is corrections, and I will briefly summarise what the budget does in that area. Last year it funded 357 beds in corrections. There will be four new prisons funded under the budget, and 600 and 300-bed unit facilities will be established in metropolitan Melbourne. Two 100 and 120-bed units will be built in rural Victoria, which will be part of a 10-year master prison plan. That is something the state has not had for two decades, and I mean that sincerely. Corrections has been dealt with in a hotchpotch way in the past. It is like the old saying of 'Prisoners have no voting rights so we won't worry much about them. We can stick them away and forget about them'. The budget does not do that — it looks after prisoners. The government wants to see them rehabilitated and coming out at the end of their sentences as meaningful citizens. Some may never have that opportunity, but let us give them a chance. The

budget will allocate $334.5 million to overhaul Victoria's corrections system. That is to be applauded.

One small aspect — I see it as small, although it is probably not small in the scheme of things — is the allocation of funding for 300 crisis and transitional accommodation beds for the homeless. Ballarat has homeless people — in fact, some sleep at the back door of my electorate office and it is very sad. It certainly brings home to me most days of the week, especially in winter, that the homeless are real people and not just statistics on a page or on the computer. This budget will see an extra $14.8 million in recurrent funding over four years put towards homeless support services, and I commend the minister for that.

As well, a total of $144 million will be made available in the budget over the next 12 months for the construction and acquisition of an additional 1400 properties to add to the surplus of social housing, which is absolutely tremendous.

What did the Ballarat *Courier* have to say about the budget? We heard lots of negative things from the opposition but what did the *Courier* have to say? On 16 May a headline stated, 'Ballarat a winner in state budget'. It said that police, education and trains had received major boosts in funding for regional Victoria and featured a wonderful photo of the Premier, the boy from Ballarat, and the Treasurer on the steps of Parliament House. The *Courier* has had nothing but praise for this budget. I refer to the editorial of the same day headed 'Budget puts country areas back on top', which states:

> It would be hard to argue Victorian Premier Steve Bracks and Treasurer John Brumby have failed to redeem their pledge to country Victoria and the regional electorates that played such a key role in putting them in office in yesterday's budget.
>
> …
>
> Programs such as the investment in standardising rail gauges, coming as it does on the heels of other welcome announcements from a government that is committed —

committed, Mr Acting President —

> to a railway renaissance in Victoria, are welcome signs Messrs Bracks and Brumby are looking beyond the next election.

They have it right, haven't they? As I said, this budget shows that the government is back on track and that Victoria is back on track and back on the map. As the Treasurer said in his speech, the Bracks Labor government is getting on with the job, and that is clearly what country Victorians and all Victoria are saying.

I was at a function in Korumburra the other weekend and people I did not know came up to me. You usually do not advertise that you are a member of Parliament when you go to a social function, but my mother said, 'She's like the queen, sitting there waiting for people to talk to her', because so many people lined up to speak to me. Do you know what they said? They said, 'Fantastic job Peter Batchelor is doing and fantastic job Steve Bracks is doing! Tell them we think they are doing a fantastic job and keep on with it'.

Their particular interest was the reopening of country railways. They said country railways should never have been closed by the former Kennett coalition government as it shamefully and wrongfully did in 1993 and 1994. It killed country communities, as you, Mr Acting President, would know from your electorate and as I know from mine.

This budget is reforming the business tax system. It is dragging our transport system into the 21st century, it is driving innovation and creativity and it is overhauling the corrections system. As I said, it is a 10-year plan for the first time in two decades. It is about building stronger communities and creating the framework for improved services in basic services for education, health and aged care. It is maintaining a strong and secure financial base. This budget is financially responsible and socially responsive and it is right for the times. Everyone else thinks it is right for the times and all I receive is praise wherever I go. So yes, Victoria is the place to be, certainly the place to be under this government, and I commend the budget papers to the house.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — How do I follow that? It was interesting to listen to the Honourable Dianne Hadden on her trip around Ballarat and district, but I suppose I should speak about the budget papers!

During her introductory remarks Ms Hadden picked up on the Bracks government slogan, Victoria, the place to be. Ms Hadden gave honourable members an insight into what this could be taken to mean when she went on to say, and I quote her words, 'It is the place to be whatever you want it to be, really'. I think the place to be whatever you want it to be is indicative of the philosophy behind this government and the approach it has taken in putting this budget together. It is a budget without direction and without vision, and it fails to set the agenda for Victoria for the 21st century.

Having listened to the trip around Ballarat story, I will touch on elements of the budget. Ms Hadden touched on what the government describes as the four pillars,

one of which I think is called restoring democracy. I did not know we had to restore democracy in Victoria! Part of that is about being open and accountable. I would like to touch on the issue of being open and accountable. In doing so I draw the attention of honourable members to the budget papers that were tabled by the Treasurer this year. I draw a contrast between the budget papers this year and the budget papers last year. In particular I note that for each output group there have been substantial changes to the key performance measures between this year and last year. That means you cannot directly compare this year's budget papers with last year's budget papers. More significantly, where last year the government gave detailed costing breakdowns on each and every output group in the budget, this year it has simply omitted them. There is no detail, no breakdown at all, on the output group costings in this year's budget.

It is extraordinary that such a level of detail has been stripped out of this year's budget papers. So much for being open and accountable! Open and accountable was not just a slogan the government used to get into power; it was one of the key pillars in the Bracks government's commitment in the Independents charter. I will quote the response to the Independents charter by the Labor leader, Steve Bracks, who was then Leader of the Opposition. Under 1.3 of the response to the Independents charter Mr Bracks said:

> I commit a Bracks Labor government to the following:
>
> > ensure that budget information is consistent with previous formats to allow for full and transparent comparison by including parallel information in both formats where a format change is deemed desirable.

I ask you, Mr Acting President, where is the parallel format? Where is the second set of budget papers that we can use to compare this year's budget with last year's budget? It has not been done. The government has failed on its key commitment in the Independents charter to transparency and comparability between budget papers of different years.

I also point out that the fact that those duplicate budget papers have not been produced this year makes a mockery of the Independents charter, and it makes a mockery of the role the Independents play in the lower house in keeping this government accountable. The Independents agreed to support the government in the lower house to form government in October 1999 on the basis of what was contained in this Independents charter. Yet when they have the responsibility to ensure that the government lives up to the contents of that charter, the three Independents fail miserably. There has been not a peep out of them about the government upholding its commitment under the Independents charter.

I shall quote to the house a comment made by the Treasurer at the Public Accounts and Estimates Committee hearing of 1 June when he was asked about the budget papers and the level of comparability between the papers for this year and last year. The Treasurer said:

> You are wanting to give people access to information, but not too much.

Those are the words from the mouth of the Treasurer of Victoria. So much for being open and accountable! It makes a mockery of the Independents charter and it makes a mockery of the Bracks government's alleged commitment to the people of Victoria. I will now take the house to some of the specifics of the budget. In particular I will talk about the key macro-economic variables.

In doing so I pick up on the March quarter national accounts, which were released last Tuesday. What a sensational set of figures they contain! It is a credit to the federal Treasurer, the Honourable Peter Costello, that the Australian economy is doing so well. I record some of the key figures that were released in the national accounts last week. In the March quarter, gross domestic product (GDP) grew by 1.1 per cent, household consumption expenditure grew by 2.2 per cent and dwelling investment rose by 0.8 per cent, which can be attributed to the excellent first home owner scheme that was introduced and then doubled to $14 000 for people buying or building new dwellings. There was a raft of good, positive results from the national accounts.

Last week, on the day the national accounts were released, it was fascinating to watch question time in the House of Representatives, because the Leader of the Opposition, the Honourable Kim Beazley, and the shadow Treasurer, the Honourable Simon Crean, looked as if they had just come back from a funeral. They were not enjoying themselves at all. They had been expecting to get up and have some national accounts figures they could whack the government around with. Instead they were sensational figures that vindicate the work done by the federal Treasurer and the federal government in reforming the tax system and keeping the Australian economy on track. Mr Beazley and Mr Crean were sitting on the opposition front bench in the House of Representatives looking sick and as if they would rather have been somewhere else. We would rather have them somewhere else, as well!

The sensational set of figures in last week's national accounts is a true testimonial to the work of the federal government. It really sets the scene for what the Bracks government is forecasting in the Victorian budget. In talking about the national economy, I pick up a comment by the Labor Treasurer of New South Wales, the Honourable Michael Egan, who in his budget speech said:

> On the positive side of the ledger we have:
>
> > fundamentally sound national and state economies that are not threatened by any imbalance requiring harsh corrective measures.

That is an endorsement of the federal government by the New South Wales ALP Treasurer. It just goes to show how sound the national economy is when a state ALP Treasurer basically endorses the economic management of Peter Costello and the federal coalition government.

I will now pick up on some of the specific measures identified in the Victorian budget papers. I draw the attention of the house to page 58 of budget paper 2, which identifies the economic projections for Victoria. It is worth comparing those projections with the commonwealth projections. I draw the attention of the house to the gross state product for 2001–02. The Bracks government projects a 2.75 per cent growth in GSP, which compares with GDP for the national economy of 3.25 per cent, so Victoria is behind the average of all the states.

Hon. P. A. Katsambanis — Going backwards.

Hon. G. K. RICH-PHILLIPS — Victoria is going backwards, as Mr Katsambanis said by interjection. Under the previous government Victoria led all the other states in economic growth. It is now behind the other states and getting less than the projected national average in GDP growth.

The Bracks government predicts employment growth of 0.5 per cent for 2001–02, which compares with a full 1 per cent of growth projected at the national level. The Bracks government's projection is that Victoria will achieve only half the national level of employment growth. One of the key commitments of the Bracks government was to achieve an unemployment rate at the end of its first term of 5 per cent. Looking at the budget papers it can be seen that that target has been completely abandoned. By 2001–02 the government is estimating an unemployment rate of 6.5 per cent, which is well short of the 5 per cent target. The best it predicts over the five-year period of the estimates is only 6 per cent, still well short of the target.

The most condemning factor contained in the budget is population growth. The government's projections on population growth show that between 1999–2000 and 2004–05 population growth in Victoria is projected to slow from 1.2 per cent per annum to 0.9 per cent per annum. That is a downward trend in population growth. How long will it be until Victoria's population is declining again? The Kennett government turned around population growth in Victoria: we went from a net decline in the Victorian population as people left the state, to a net increase. Under the Bracks government population growth is slowing, and no doubt in a few years we will see negative population growth returning — a sign of the old times under the previous Labor administration.

I now refer to a matter of importance to the Minister for Small Business. She frequently complains about the impact of national tax reform, and in particular the impact of the GST on the Victorian economy, so it is worth reflecting on the true impact of the GST on that economy. I draw the attention of honourable members to page 125 of budget paper 2, which outlines key revenue measures of the Bracks government budget. The first revenue item on page 125 is GST revenue from the commonwealth. Between the revised estimate for 2000–01 and the projected estimate for 2004–05, the GST revenue the Bracks government will receive increases from $5.5 billion to $6.6 billion.

This Bracks government is getting $5.5 billion from the federal government in GST revenue, yet weekly the Minister for Small Business gets up in this house and complains about the impact of the GST. It just goes to show what hypocrites members of the Bracks government are. They like to get up and complain about the GST but they do not mind pocketing the cheque. As the federal Treasurer says, a state Treasurer never rejects the monthly GST cheque; he is never faced with the situation of a state Treasurer failing to bank the cheque. Mr Brumby gets his monthly cheque and quickly banks it. Then he and his 17 colleagues sit down at the cabinet table and figure out a way to quickly spend it.

It is interesting to reflect on the true situation of the impact of the GST on the Victorian economy. Tied to that is the issue of rollback and what rollback means. Of course under the intergovernmental agreement negotiated between the federal government and each of the states, for the period when the GST revenue is expected to be less than the grants forgone by each state there is a compensation or guaranteed payment to fill in the gap. Once that gap between the expected previous grants and the GST revenue is met and GST revenue exceeds the previous level of grants, the gap payments

will stop, and all the state government will receive is the GST revenue.

Mr Crean and Mr Beazley in Canberra have been saying they will roll back the GST, but we do not yet know what rollback means. It is worth noting that about 10 days ago the federal shadow Treasurer, Mr Crean, stood up before the National Press Club and announced that if Labor wins government at this year's federal election it will form a committee to decide what rollback is. In other words, Labor does not know what rollback is but it will form a committee to decide! But one thing we can guarantee about rollback is that it will mean less revenue from the GST and therefore less revenue to Victoria — less money for Mr Brumby to bank every month and less money for him and his colleagues to spend every month. That is the guaranteed outcome of rollback, no matter what definition Mr Crean and his federal committee decide on.

I refer now to gaming revenue. When in opposition the Labor Party was very vocal in its opposition to gaming and the level of revenue the then government was receiving from gaming in Victoria. It is worth noting that page 202 of budget paper 2 outlines the revenue from gaming that the Bracks government will collect. It shows that between 2001–02 and 2004–05 the gaming revenue is projected to grow from $1.37 billion to $1.64 billion, a growth of almost $300 million. This is from a party which, when in opposition, condemned the previous government for what it was doing with gaming, yet it does not mind collecting the $1.6 billion in gambling tax, including the extra $300 million over the next three to four years.

If one throws in the GST element, the gaming and associated revenue is an even bigger proportion of the Bracks government's take. Even more concerning is that this revenue from gaming is increasing as a percentage of the total tax take. Every year in the forward estimates period the gaming revenue comprises a bigger percentage of the Bracks government's total tax take. The government is becoming more and more reliant on gaming tax revenue.

It is interesting to note that the Minister for Gaming, Mr John Pandazopoulos, appeared before the Public Accounts and Estimates Committee a couple of weeks ago and tried to say this is all right because the growth in gaming in Victoria is slowing. Of course it is slowing — it is becoming a mature industry. What Mr Pandazopoulos failed to recognise is that although the rate of growth in gaming is slowing, his department is still predicting that gaming will grow each year by around 6 to 7 per cent, and this is well above the government's own prediction of economic growth. It just goes to show how hypocritical this government is when it comes to the GST, gaming revenue, and so on.

I refer now to the government's so-called tax cuts. I have spoken about this at length in previous debates in this house, but it is worth reflecting that already in its 20 months in office the Bracks government has collected an extra $669 million in business taxes. In 2001–02 it will give only $100 million in tax relief, yet it tells small business it should be grateful for business tax cuts. That is a demonstration of the way this government thinks. It believes it can spend the community's money better than the community itself can spend it.

I suppose we should almost thank the Bracks government for giving back the $100 million, because under this tax package the other $674 million in tax cuts will not be delivered in this term of government. The government is promising tax cuts into the next term of government, so whoever forms government after the next election will have to deliver the tax cuts. The Bracks government will not be delivering them; it will be up to the next government in the 55th Parliament to deliver them. The Bracks government is giving back only $100 million after having already collected $669 million extra. It is quite extraordinary!

It is interesting to contrast the performance of the Bracks government with its counterpart in New South Wales. Again I refer to the speech by the Honourable Michael Egan, the New South Wales Treasurer, in which he committed to abolishing the bank accounts debits (BAD) tax. Mr Lucas spoke about this yesterday. The effect of its abolition in Victoria would be an instant tax cut to all Victorians of $250 million. But will the Bracks government do that? No! Despite the fact that it is getting better than expected GST revenue, it is sticking to the original intergovernmental agreement between the states and the federal government relating to the new tax package, which does not call for the BAD tax to be abolished until 2005.

The Bracks government is happy to have the benefits of the GST package, but it will not pass on any of the benefits to the community. It likes to keep them all for itself so it can splash them around on the sorts of projects that the Honourable Dianne Hadden outlined when she took us on a tour of Ballarat. The government shows it believes it can spend our money better than we can spend it ourselves, which is typical of a Labor government.

I shall touch briefly on the Auditor-General's 2001 *Report on Ministerial Portfolios*, which gives an idea of

how the Bracks government has been spending our money to date — and it is not a very good report for the Bracks government. Honourable members have already heard about the $651 million blow-out in the Workcover scheme as a direct result of the changes by the Minister for Workcover, Bob Cameron, to the scheme. It puts back three years the date at which the Workcover scheme will be fully funded. Again that is an example of the way the Bracks government spends our money. There are other examples.

Despite the enormous increase in spending on hospitals — the enormous blow-out in the budget commitment to hospitals — according to the Auditor-General 12 hospitals are in financial difficulty or crisis. The government is again throwing money at organisations without getting any results. It throws more money at hospitals, yet more of them are in crisis. Last year it was reported that 3 were in difficulty, and that is expected to increase to 12 this year.

I shall touch on some of the budgetary matters that relate to my electorate. Mr Lucas talked about the Berwick hospital. I would like to talk about the Berwick hospital in the context of the budget but unfortunately I can't — it is not in the budget because we do not have a Berwick hospital! Mr Lucas has put on the record the history of why we do not have a Berwick hospital after 20 months of the Bracks government. It is worth recording that, had the coalition retained power, we would have been walking into the new Berwick hospital later this year. As it is, after 20 months of the Bracks government we have a block of land in Berwick and that is it.

Then again, I should not criticise that because it is more than we have for the Berwick primary school. We do not even have a block of land for the school, let alone a mention in the budget. This is another saga. We have heard the Minister for Education announce a Berwick primary school and even announce a site, but it turns out that the government does not own the site. The site the government picked out cannot reasonably be used for a primary school. Again, there is a failure of the Bracks government to deliver to the people of Eumemmerring Province and the people of Berwick.

There is a list of projects. I could talk about the Scoresby freeway. The commonwealth government commits $220 million, the Bracks government commits $2 million. The Bracks government talks in the budget papers about this $2 million in the context of a public–private partnership. Presumably the public sector puts up $2 million and the private sector has to put up the balance; perhaps that is what the Bracks government has in mind with a public–private partnership so far as the Scoresby freeway goes. The commonwealth commits $220 million and the state comes up with only $2 million; how ridiculous is that!

I could go on and on about the projects the Bracks government has failed to deliver for my electorate. I could talk about the grade separation on the Narre Warren–Cranbourne Road, a project that has been championed by Cr Ben Clissold in the City of Casey.

Opposition members interjecting.

Hon. G. K. RICH-PHILLIPS — An excellent man. I might add that he has championed this project despite opposition from the Labor councillors in the City of Casey, who no longer regard it as a project worth the council pursuing. There is no shortage of projects the Bracks government has failed to deliver to my electorate. Again, I could go on and on about this budget and what it fails to deliver.

However, in conclusion, I reiterate that the budget lacks the vision to set the agenda for the Victorian economy in the 21st century. It fails to demonstrate leadership at the local level. Local projects that have been on the agenda for a long time have not been delivered in this budget. The big picture has not been delivered. By its own admission the Bracks government is not achieving the same levels of economic growth and investment as will be achieved at the national level.

I must say that this budget is something of a disappointment. The Honourable Dianne Hadden got up and tried to defend the budget, but it was interesting to note that she did not touch on any of the big issues. She avoided the clear failure of the Bracks government to deliver on the big issues. If anyone is looking for direction, leadership and vision in this budget they will be sadly disappointed.

Hon. J. W. G. ROSS (Higinbotham) — It gives me great pleasure to speak on the 2001–02 budget papers. Of course, I am far less pleased with the opportunities that have been lost to Victoria. Far too many resources are being wasted on expenditures such as public sector expansion and the proposal for more than 2000 extra public servants. The competitive edge that was the hallmark of the Kennett government in reducing business taxes and driving innovation and business practice is simply being squandered. That is all contained in the present budget.

The truth of the matter is that, like all predecessor Labor governments, the Bracks government has shown itself to be a high-taxing, high-spending government with little imagination or capacity to drive the economy in Victoria. However, rather than cutting a swath

through the budget in the time available I intend to focus on some particular issues related to health and scientific innovation. Here I believe the Bracks government has failed to seize the opportunities bequeathed to it by the Kennett government.

Time and again since this government came to power we on this side of the house have been bombarded by a plethora of allegations about the decline in health standards during the time of the Kennett government. The truth of the matter is that the Kennett government was entirely focused on outcomes. By whatever measures an individual wishes to take into account, the Kennett government showed remarkable success year on year. Expenditures year on year in terms of budgetary allocations to the Department of Human Services, ambulance response times, waiting times on trolleys for emergency services and waiting lists for elective surgery all showed significant improvement during the time of the Kennett government.

This budget reveals that the Labor government has put health into the too-hard basket. No inroads have been made into fixing the health system, and Labor will perform only half the additional episodes of patient care next year that it has done in the current year. With waiting lists continuing to blow out, this budget does nothing to rectify the endemic problems of our health system.

Labor is budgeting to treat fewer new patients next year than it did last year. In 2000–01 the number of treatments in hospitals increased by 45 000, an increase of 4.73 per cent over the year before. However, in the 2001–02 budget projections Labor has budgeted to treat only an additional 25 800 extra patients. That is a negative increase on last year's figures. Despite our ageing population and the increased pressures on acute health services that are presenting real challenges to the health system, Labor proposes to treat almost 50 per cent fewer new patients than in the current year.

Hospital waiting lists continue to grow longer. Last year Labor failed to meet its target to treat 80 per cent of semi-urgent cases, such as patients on waiting lists for hip replacement, within 90 days, and only 75 per cent of category 2 patients were treated within the 90-day period. It is completely unacceptable that a quarter of the patients waiting for semi-urgent surgery wait more than three months for the treatment they need to alleviate their pain and suffering. Until the Labor government meets its targets to treat those people waiting for category 2 surgery, waiting lists will continue to blow out year upon year as the problem develops a backlog, and each year the government will be attempting to catch up with the deficiencies of the previous year.

The other area is the emergency department trolley waiting times. The budget shows that this year 16 per cent of patients needing to be admitted to hospital after presenting at an emergency department had to wait more than 12 hours on a trolley. The Liberal opposition has been calling for action on waiting lists all year, and by allocating a measly $125 million through the hospital demand strategy the Labor government is simply acknowledging its inability to meet its objectives and its abject failure to address the issue.

I now refer to acute health care services and the timeliness of emergency services. In terms of triage category 1 patients, patients who should be treated immediately, in 1999–2000, 100 per cent of patients were treated; in 2000–01, again the expected outcome is that 100 per cent of patients will be treated. However, it is a meaningless statistic, because any person who presents at a public hospital in need of immediate attention will obviously fall into that category. Those moved aside and not treated immediately will fall into triage categories 2 or 3. The fact that 100 per cent of patients have being treated in triage category 1 year upon year is meaningless.

A far more useful statistic is triage category 2, patients who should be treated within 10 minutes. In 1999–2000, 82 per cent of such patients were treated within 10 minutes, but in 2000–01, the expected outcome is that only 77 per cent of such patients will be treated within 10 minutes. That is a clear indication of emergency service patients moving backwards in the quality and timeliness of the service they receive. In 1999–2000, 73 per cent of triage category 3 patients, those who must be treated within 30 minutes, were treated within that time, but in 2000–01, the expected outcome is that 68 per cent will be treated. On all those measures it is clear the government is going backwards with emergency services. When the services are translated into treatment episodes, it represents a large number of individuals waiting on hospital trolleys for emergency treatment.

The picture is similar with aged care assessment services. Budget paper 3, at page 64, indicates that the average waiting time for assessment services in 1999–2000 was 7.8 days, while the expected outcome in 2000–01 is 8.5 days. It is the same with restorative dental care. Honourable members will know that when the commonwealth withdrew its support for state-operated dental services the previous health minister, the Honourable Rob Knowles, was quick to pick up the slack and improve dental services. The

Bentleigh Bayside Community Health Centre had a number of dental chairs installed within the year and started to deliver a large number of high-quality services. The waiting time for dental restorative care in 1999–2000 was 17 months, but in the current year it has blown out to 20 months.

Honourable members will recall that prior to the budget the opposition moved a motion for the provision of free needles and syringes for insulin-dependent diabetics. The motion was vigorously debated and strongly resisted by the government. However, I am pleased to advise the house that the estimates for this program, established by the opposition, match almost exactly the costs contained in the budget of $600 000 a year to provide insulin-dependent diabetics with free needles and syringes to treat their condition. The opposition deserves enormous credit for forcing the hand of the government and getting the program in the budget.

The next area I refer to is innovation and biotechnology. During the period of the previous government, the deputy vice-chancellor, research, at Melbourne University, Professor Frank Larkins, and Professor Corey approached the former Minister for Industry, Science and Technology, the Honourable Mark Birrell, with a conceptual plan for a biotechnology precinct of world standing in Melbourne. In 1999 the Kennett government responded and established a $310 million fund to be spent over five years for science, engineering and biotechnology. It was the largest allocation of funds ever made for scientific research by any state government in this country. With the change of government the truth is that local scientists quickly became frustrated by the delay and the fact that the $250 million set aside for science was not spent as at early last year. The Bracks government has disbanded a specialist science and technology task force that would have driven the program.

Last year I had the opportunity to visit Taiwan, and I was impressed with the commitment of that country to the so-called new economy. One of the most interesting visits undertaken by the delegation was to the science park industrial development precinct about 20 kilometres north of Taipei. The industrial park comprises an entire community of residential estates, primary and secondary schools, universities and private commercial enterprises designed to co-develop and participate in new economic opportunities on a worldwide scale. Individuals were encouraged to move freely between research and commercial careers. This has the obvious benefit of cross-fertilisation of ideas in the fields of pure and applied research.

The main focus of the technology park was on engineering, and computer and software development, but it was a chastening experience to see planned collaboration on such a grand scale. Taiwan is in the early stages of democratisation, and with its recent history of a command-style economy it is easy to understand how facilities such as a technology park could be established in the country. I must confess that the prospect of competing in world markets with countries such as Taiwan is quite daunting. However, Victoria has particular strengths that could be developed along similar lines.

When the Kennett government left office it was poised to make a major commitment to the development of a biotechnology precinct. The project was known as Bio 21. The Bracks government has given lip-service to the concept, but the budget shows none of the commitment, vision and resources that are needed to drive the project into the future. Bio 21 is a broad and inclusive concept designed to develop research synergies and economies of scale and to create the most sophisticated network of biomedical research in Australia. I sense with Bio 21 that a similar concept to the Taiwan industrial park is evolving in a uniquely Australian way.

The location of the Bio 21 precinct in Parkville has many attributes of the technology precinct. Many academics work locally, and University High School is one of Victoria's pre-eminent secondary education facilities. The contiguity of Melbourne University, the Royal Melbourne Hospital, the veterinary school and the dental and pharmacy colleges means the precinct meets all the criteria for a comprehensive biotechnology precinct. There is still some work to do in introducing commercial enterprises into the equation. However, the budget does not provide a lead to create the necessary infrastructure to support a dynamic knowledge-based industry that builds on more than a century of excellence in biomedical, veterinary and agricultural research.

It is worth quickly reflecting on some of the great advances that have sprung from scientific research in and around Melbourne. The bionic ear was developed over 10 years by a team at Melbourne University, led by Professor Graeme Clark. The company, Cochlear, was formed in 1983 to further research, market and manufacture that device.

In that year, Monash University's medical centre achieved the world's first authenticated in-vitro fertilisation birth from a donor egg. The first birth following the freezing and thawing of a human embryo occurred in 1984.

In 1991, a team led by Dr Edwina Cornish from a Melbourne-based plant biotechnology company isolated the gene responsible for creating the blue pigment in flowers, and that company was able to take out a worldwide patent on the blue rose.

In February 1996 research at the Royal Women's Hospital led to the world's first egg bank opening in Melbourne. Women and girls undergoing cancer therapy that may destroy their fertility can have their eggs frozen.

In October 1996, Australian-born Professor Peter Doherty and Rolf Zinkernagel of Switzerland were awarded the Nobel prize for medicine for their discoveries about the immune defences of cells.

In May 1999 research trials began on contact lenses that can be worn continuously for a month, after the development of a material that carries up to six times more oxygen to the eye than ordinary soft lenses. The trial was carried out by the Cooperative Research Centre for Eye Research and Technology, CSIRO, and the eye-care company CIBA Vision.

That list indicates that in this state and in this city we have all the capacity necessary to develop commercial enterprises based on advanced techniques in biotechnology on a world scale. The quality of our research institutes has meant that Victorian institutes have been able to recruit and retain medical, veterinary and science graduates at salaries that might not otherwise be able to be sustained. Not only has it been possible to prevent a brain drain of those researchers overseas but people have been attracted from abroad.

A few weeks ago I had the opportunity of attending a research forum at St Vincent's Institute of Medical Research. I went there with preconceived ideas about the sorts of innovation and opportunities that can be driven by an enlightened and proactive state government. I was surprised to hear that many research grants that had been provided by the federal government were yet to be taken up for want of local state government matched funding, in particular at St Vincent's. In the institute's report, Professor Jack Martin states:

> We have reached the stage now that we have outgrown the building that was opened in 1987 and intended for a little over a third of the numbers of staff we have here today. We are planing to extend the existing institute building to Nicholson Street, that would result in a virtually doubling of the institute laboratory accommodation. It would allow us to accommodate adequately existing staff and allow new developments that are so necessary.

In a media release of 21 November 2000 from his office, the Honourable Dr Michael Wooldridge, the federal Minister for Health and Aged Care, notified a $32-million boost for national health and medical research funding. They were essentially medical infrastructure grant funds and, because of Victoria's high level of competitiveness, Prince Henry's Institute of Medical Research was able to attract $4.5 million towards new research laboratories; St Vincent's Institute of Medical Research, in the terms I have just described, was able to attract $3.5 million towards relocation of the institute; and the Walter and Eliza Hall Institute attracted $1 million towards the expansion of the Bioinformatics Centre.

It is with great regret and in the light of the budget that lies before us this evening that I advise the house that the bulk of those funds has not been able to be taken up because of the need to have matching funding. The truth of the matter is that for a modest outlay in the current budget vast strides could have been taken in scientific innovation and commercial opportunities in Victoria.

St Vincent's Institute of Medical Research has an informal association with the Bio 21 precinct and has developed a more formal relationship with the Biota project of a successful Victorian-based biotechnology company which markets an influenza drug called Relenza in cooperation with Glaxo Wellcome. There is an opportunity for St Vincent's Institute of Medical Research to make a major contribution to biotechnology in this state in a very direct way. It is certainly of great concern to me that such projects are languishing for want of vision and a commitment from the state government, as revealed in the current budget.

I am running a little short of time, but one of the other issues I wish to raise is about my electorate and the extent to which I have been very disappointed in that the Department of Human Services budget has made almost nothing available for youth services. Until now, the Department of Human Services has funded a School Focused Youth Service in 77 schools and 64 agencies across Victoria. I have particular concern for an agency in my electorate known as Southern Family Life, which until now has received a $120 000 annual grant for the School Focused Youth Service. Those resources were originally allocated by the Kennett government under the youth suicide prevention program. I am particularly concerned that the Southern Family Life youth program will cease to operate in December. The budget has delivered cold comfort to youth services in my electorate.

In summary, I have focused on the issues of health service delivery, potential scientific innovation and a particular project in my electorate. I believe this budget is a disappointing document in that it has not capitalised on the potential of Victoria, and the Melbourne University and Bio 21 precinct in particular, to drive the state forward into the new economy and to deliver benefits for all Victorians.

In short, I finish where I began, by saying that this is a typical Labor budget that is focused on public sector infrastructure, and is lacking in vision and the opportunity to capitalise on the commercial opportunities, in particular in the areas of science and innovation. It is a reflection of a high-taxing and high-spending government.

Debate adjourned for Hon. R. M. HALLAM (Western) on motion of Hon. P. R. Hall.

Debate adjourned until next day.

CONSTITUTION (METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION REPORT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Libraries: Hampton Park

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise with the Minister for Energy and Resources, for the attention of the Minister for Local Government in the other place, funding of public libraries. I direct the attention of the house to the need for public libraries to be constructed in Hampton Park in the City of Casey, a matter about which the residents of Hampton Park feel strongly.

I recently attended a public meeting — one of the largest public meetings ever seen in Hampton Park — in support of the construction of a public library there to complement the existing City of Casey libraries in Narre Warren and Cranbourne. Hampton Park is a suburb of approximately 20 000 residents. It is a young suburb with many young school-age children, and the need for a library is acute. The construction cost of the library is estimated at around $2 million, and the City of Casey draft budget proposes spending $115 000 on planning studies towards its construction.

I understand that previously the state government's approach to funding libraries has been to provide funds for the operating costs of such a facility rather than construction costs. I also understand that the Minister for Gaming in the other place, the Honourable John Pandazopoulos, has raised the option of the Hampton Park library being built as part of another community facility, such as a senior citizens club, which would allow the City of Casey to access funds from the Victorian government under the Community Support Fund or a similar program to contribute towards the capital cost of constructing the library.

Will the Minister for Local Government work with the Minister for Gaming and other local members to investigate ways in which his department could consider contributing towards the capital cost of the construction of the library, which is currently beyond the scope of the municipality? The City of Casey is committed to it, as are the residents, and there has been a petition of 3500 signatures in support of the project. Will the Minister for Local Government look at ways in which the state can assist in the construction of the project?

State Netball and Hockey Centre

Hon. G. D. ROMANES (Melbourne) — I seek the assistance of the Minister for Sport and Recreation in relation to the State Netball and Hockey Centre in Royal Park. When legislation was passed for the establishment of the centre concern was expressed about the impact the new centre may have — the impact of its increased fees on the involvement of community groups and young teams from local communities around Melbourne who frequented the outdoor courts at the site, its impact on the involvement of women in netball and sports at that centre, and its impact on family participation and spectators.

At that time it was suggested that the establishment of the new centre be monitored and that the impact in those areas be measured. What have been the results of the opening of the State Netball and Hockey Centre a few months ago in terms of participation rates, community teams, the involvement of women and young people in netball and hockey on the site, and the utilisation of the facilities?

Latrobe Regional Hospital

Hon. P. R. HALL (Gippsland) — I raise a matter for the attention of the Minister for Industrial Relations, as the representative of the Minister for Health in another place. Last night during debate on the budget papers I outlined my great difficulty in finding reference to funding allocations for the Latrobe Regional Hospital. I outlined to the house that the only reference I could find to the hospital was in the Appropriation (2001/2002) Bill. In schedule 3, under the heading 'Payment from advance to Treasurer, 1999/2000' the hospital is mentioned twice: one being the hospital closure expenses of $6.358 million, and the other to fund allocated facilities charges of $3.762 million. There is no explanation of the purpose of those two figures. I seek an explanation from the Minister for Health on exactly what purpose those two budgetary allocations were put to.

Estate Agents Guarantee Fund

Hon. BILL FORWOOD (Templestowe) — The issue I raise with the Minister for Consumer Affairs goes to information at page 237 of the Auditor-General's 2001 *Report on Ministerial Portfolios* concerning the use of the Estate Agents Guarantee Fund, which as the minister would know has $100 million sitting in it at the moment. The proposal is that the Department of Natural Resources and Environment may get $30 million of it for other projects, yet the Auditor-General says that the use of grant moneys to fund the provision of basic government services could be seen as an inappropriate use of trust funds. Is the government intending to use that fund in ways that the Auditor-General raises a question about?

Maribyrnong River: chemical spill

Hon. S. M. NGUYEN (Melbourne West) — I raise with the Minister for Energy and Resources, as the representative in this house of the Minister for Environment and Conservation in another place, the recent spill at Maribyrnong dock of toxic chemicals into the Maribyrnong River. This spill will have adverse effects on the Maribyrnong River ecosystem and hinder the great efforts being made to improve the environment. The Environment Protection Authority does a great job in monitoring environmental issues in Melbourne. Will the minister advise whether the EPA will use its powers to the full to punish those at fault in harming our environment through the spill?

Foxes: control

Hon. W. R. BAXTER (North Eastern) — The matter I direct to the Minister for Energy and Resources is for the attention of the Minister for Environment and Conservation in the other place. I ask the minister to review the rules and regulations pertaining to the issue of poisonous baits for fox control to farmers. Since raising in the house a fortnight or so ago the explosion in the population of foxes and calling for the reintroduction of a bounty on fox scalps I have received numerous telephone calls from constituents who have expressed dissatisfaction, concern and frustration with the rules now applying to the use of baits, which is attended by stringent regulations. The user must have completed a chemical users course and needs to hold a chemical users permit. I have no objection to those requirements, but it is not possible to pick up the baits from the Department of Natural Resources and Environment without making appointments and it is not possible to have somebody else pick them up on one's behalf.

Constituents of mine are finding it difficult, particularly when they may reside 50 or 60 miles from the departmental office, to have to make appointments that may be some days hence and on days that do not particularly suit them to make the journey to town; or more particularly, in having a spouse pick up the baits on their behalf when they happen to be in town for another reason.

I can see no reason why the holder of a permit cannot authorise somebody such as his or her spouse to collect the baits on their behalf. It would appear that the rules were introduced by way of reaction to some unfortunate incident that occurred with chemical use, but which was quite separate to this issue. The rules are too stringent and, to a degree, impractical in controlling the menace that is not only making a big impact on our stock population but is also decimating native fauna — small animals and the like — and a review would be appropriate.

Berwick Primary School

Hon. N. B. LUCAS (Eumemmerring) — I direct a matter to the attention of the Minister for Sport and Recreation as the representative in this place of the Minister for Education. My concern is to do with relocation of the Berwick Primary School. This is the fourth time I have had to raise this issue, which is upsetting.

Hon. S. M. Nguyen interjected.

Hon. N. B. LUCAS — It not only upsets me but also the people of Berwick whose children are squashed into a 1.5-hectare school site and who have been looking to the Labor government since its election in September 1999 for a decision to be taken about the building of a new school. In today's *Berwick-Pakenham Gazette* the Minister for Education is quoted. The article states:

> The education minister Mary Delahunty said the process —

that is, of relocation —

> could be delayed by up to two years if the school was shifted …

to another site. It then says what I find to be amazing:

> Ms Delahunty said the other option was to rebuild the primary school on the present site but this would almost certainly create total opposition from the Berwick community.

That is an understatement! How do you build a new school on a site that is already too small? I ask the house to try to imagine building a school on a site measuring 1.5 hectares, as is suggested by the Minister for Education! In the newspaper article the minister is quoted as having said:

> Giving the children who attend Berwick Primary School access to the facilities they deserve is a goal the Bracks government will continue to pursue.

The government has been pursuing this since September 1999, but nothing has happened. This is procrastination at its worst.

Hon. R. F. Smith — On a point of order, Mr President, I thought this was question time or the adjournment debate, but the honourable member is clearly trying to debate the matter.

The PRESIDENT — Order! According to the guidelines, an honourable member can make a complaint, pose a query or make a request. In this case he is obviously making a complaint about a particular school. It is quite appropriate for this debate.

Hon. N. B. LUCAS — I am making a complaint. The *Dandenong Journal* of 11 June states that the relocation of the Berwick Primary School site could be delayed by another two years. That is not good enough. I place on the record tonight my complete disgust at the Minister for Education, who is not prepared to help the children at Berwick Primary School be located to a new site. I ask the Minister for Education to resolve the matter and decide that the relocation of Berwick Primary School can proceed forthwith.

Wimmera–Mallee: water pipeline

Hon. B. W. BISHOP (North Western) — I raise a matter for referral by the Minister for Energy and Resources to the Minister for Environment and Conservation in the other place. It concerns piping by Wimmera-Mallee Water. We have almost finished the Mallee piping project, with stage 7 the only one to go. It has been a highly successful project and has cost more than $50 million through a joint venture between the state and federal governments, with costs also to farmers for their on-farm reticulation expenses. The project has been successful in saving at least 45 000 megalitres of water and, given the shortage of water recorded in the past few years, it secures the supply of water to farms and towns in that area.

It is now time to move on to pipe the balance of the area. A steering committee has been operating for about eight months, chaired by Cr Stewart Petering. It has done an excellent job in looking into the feasibility of the project. I have met with some of the committee members and urged them to consider and recognise the recreational waterways and lakes in the area that are always difficult to maintain and retain in a piping project.

I note that the recommendations put forward by that committee have been endorsed by Wimmera-Mallee Water. The committee is talking about a 5 to 10-year program worth $300 million through joint funding from the state and federal governments. The estimated savings of the project would be 85 000 megalitres of seepage and 15 000 megalitres from evaporation. Now is the time to act.

The reservoirs in the area are low and are at about 11 per cent capacity. We must save the water for future use and the environment. I call on the minister and the government to proceed from the Mallee pipeline project to the remaining areas to ensure continued environmental, social and economic benefits are available into the future.

Youth: Oakleigh centre

Hon. M. T. LUCKINS (Waverley) — I direct a query to the Minister for Youth Affairs. I draw the minister's attention to his answer to my question during question time today regarding what he has done for youth in Oakleigh given the escalating violence there. In the minister's answer he referred to a meeting or meetings last week with representatives of youth services in Oakleigh. I ask him to provide details of who he met with, from which organisations and when.

Alfred hospital

Hon. ANDREA COOTE (Monash) — The issue I raise is for the Minister for Industrial Relations to refer to the attention of the Minister for Health in the other place. There has been an outbreak of legionnaire's disease at the Alfred hospital, which is in the heart of my electorate and which services the Albert Park electorate of the Minister for Health.

This is not a matter for public panic but I am gravely concerned about the secrecy surrounding this outbreak. There have been three diagnosed cases and two people are dead, but it is not only I who am worried about it, because workers on the Baker institute building site adjacent to the Alfred hospital walked off that site this afternoon. Tomorrow the Health Services Union of Australia members will walk off the site because of their concern. All the people are concerned about the lack of information on the outbreak. In a media release of 27 April the minister states:

> Legionnaire's disease remains a life and death situation and we cannot underestimate the importance of proper maintenance and management.
>
> Four people have died from legionnaire's disease so far this year and 51 cases have been confirmed.

On 27 April the minister already knew of the legionnaire's disease outbreak at the Alfred hospital. Is this an example of a transparent government? I ask the minister why it took so long to tell the public of the legionnaire's disease outbreak.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Peter Hall raised a matter with the Minister for Health regarding funding arrangements for the Latrobe Regional Hospital. I will refer the matter to the minister to respond to in the usual manner.

The Honourable Andrea Coote raised for the Minister for Health the issue of legionnaire's disease at the Alfred hospital. I will ask the minister to respond to the honourable member in the usual manner.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Gordon Rich-Phillips raised a matter for the Minister for Local Government concerning state government assistance for the City of Casey for funding of a public library in Hampton Park. I will refer the matter to the minister.

The Honourable Sang Nguyen raised a matter for the Minister for Environment and Conservation concerning the recent chemical spill at Coode Island and requested an assurance from the minister that enforcement action will be taken pending the outcome of the investigation. I will refer the matter to the minister.

The Honourable Bill Baxter raised a matter for the Minister for Environment and Conservation concerning the administration of the safe use of baits to control foxes. I will refer the matter to the minister.

The Honourable Barry Bishop also raised a matter for the Minister for Environment and Conservation concerning piping of Wimmera–Mallee water. I will also refer that matter to the minister.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Bill Forwood raised a matter with regard to the Auditor-General's comments on the use of the Estate Agents Guarantee Fund to fund a Department of Natural Resources and Environment project, and whether the government is going to continue with it. The government is not proceeding with the funding of that project, and the funding from the Estate Agents Guarantee Fund will go only to those bodies and organisations that comply with the provisions of the act and clearly demonstrate a public benefit to justify the funding.

Hon. Bill Forwood — Approved by you?

Hon. M. R. THOMSON — Yes, approved by me.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Glenyys Romanes asked about the State Netball and Hockey Centre. It has been reported to me that the centre has been well received by both tenant groups and the respective users. The facility has hosted a number of major events as well as the regular competitions for both netball and hockey. People are appreciating the changes to the new facility, which is not only state of the art but also provides significant social areas that have already assisted with bringing sponsors and networking opportunities to the respective sports, thereby enhancing their role in the community. It is still early stages and as more substantial figures come to light I will provide them to the honourable member.

The Honourable Neil Lucas asked about the relocation of the Berwick Primary School, and other issues. I will refer the matters to the Minister for Education in the other place.

The Honourable Maree Luckins asked about my meetings with groups in Oakleigh. I have met with a number of the groups involved in the activities in and around National Youth Week, and I awarded those

organisations certificates of appreciation for their active involvement in organising the events and being proactive with the youth and community of Oakleigh.

Hon. M. T. Luckins — On a point of order, Mr President — —

The PRESIDENT — Order! Is there a point of order?

Hon. M. T. Luckins — No, Mr President; I will raise the matter tomorrow.

Motion agreed to.

House adjourned 10.49 p.m.