PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 12 November 2008

(Extract from book 16)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Roads and Ports	The Hon. T. H. Pallas, MP
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Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly)*: Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris. (*Council*): Mrs Coote, Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Munt, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

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The Hon. J. M. BRUMBY (from 30 July 2007)
The Hon. S. P. BRACKS (to 30 July 2007)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS (from 30 July 2007)
The Hon. J. W. THWAITES (to 30 July 2007)

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
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Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
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Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [5]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter [2]	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [6]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

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WEDNESDAY, 12 NOVEMBER 2008

Wednesday, 12 November 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 16, 120 to 123, and 204 to 218 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Dr SYKES having given notice of motion:

The SPEAKER — Order! If I can interrupt the member for Benalla. The Clerk has not received this notice previously. Thus it will not be admitted.

PETITIONS

Following petitions presented to house:

Police: Boronia

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the increasing number of crimes against the person and property in Boronia.

The petitioners therefore request that the Legislative Assembly of Victoria resolves that the Minister for Police and Emergency Services undertakes an immediate review of police numbers at Boronia police station with a view to increasing them to restore a safe environment for shoppers, commuters and residents.

By Mrs VICTORIA (Bayswater) (471 signatures)
Mr WAKELING (Ferntree Gully) (533 signatures)

Buses: Nunawading

To the Legislative Assembly of Victoria:

Residents of Victoria using the 888 and 889 Nunawading to Chelsea buses draw to the attention of the lower house: the petitioners therefore request the Legislative Assembly of Victoria consider petition to save current 888 and 889 Chelsea to Nunawading and Nunawading to Chelsea buses.

We the undersigned do not agree with the proposed changes to the current bus service.

We do not want the service moved to Springvale Road, as we feel a bus stop on Springvale Road would be too dangerous for bus users and traffic at the worst railway crossing in Melbourne.

We want the buses to stop at the current stop in Station Street for the Nunawading station, for it then to continue along Station Street to Mount Pleasant Road on to Heather Grove and then turn into Springvale Road, as it has for the last 35-plus years.

Any bus users who want to travel to Donvale can change at Nunawading and catch the National 273 there.

By Mr CLARK (Box Hill) (11 signatures)

Buses: Nunawading

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the failure of the Honourable Lynne Kosky, minister for transport, to consult the local residents of Nunawading and surrounding suburbs on proposed changes to the Nunawading to Chelsea 888/889 SmartBus service that replaces the bus stop at the corner of Station Street and Springvale Road, Nunawading, with a bus stop on the west side of Springvale Road, Nunawading, opposite Station Street, forcing local bus users to cross Springvale Road to access Nunawading railway station.

The petitioners therefore request the Legislative Assembly of Victoria and Minister Kosky abandon plans to remove or replace the bus stop at the corner of Station Street and Springvale Road, Nunawading, on the Nunawading to Chelsea 888/889 SmartBus service in the interest and safety of local residents, and for the service to continue to operate along Station Street, Nunawading, to Mount Pleasant Road on to Heather Grove and then turn left into Springvale Road, as it has done for the last 35 years.

By Mr CLARK (Box Hill) (69 signatures)

Centre Road–Knight Street, Clayton: traffic lights

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws the attention of the house to the recent traffic accidents that have occurred on Centre Road, Clayton.

The petitioners therefore request that the Legislative Assembly of Victoria installs a set of traffic lights at the corner of Knight Street and Centre Road across both Centre Road and Knight Street.

By Mr LIM (Clayton) (525 signatures)

Tabled.

Ordered that petition presented by honourable member for Bayswater be considered next day on motion of Mrs VICTORIA (Bayswater).

Ordered that petition presented by honourable member for Ferntree Gully be considered next day on motion of Mr WAKELING (Ferntree Gully).

Ordered that petition presented by honourable member for Clayton be considered next day on motion of Mr LIM (Clayton).

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Biosecurity Incidents: Planning and Risk Management for Livestock Diseases — Ordered to be printed

Managing Acute Patient Flows — Ordered to be printed

School Buildings: Planning, Maintenance and Renewal — Ordered to be printed

Victorian Industry Participation Policy — Report 2007–08.

MEMBERS STATEMENTS

Multifaith Multicultural Youth Network: members

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to pay tribute to the 10 retiring members of the Brumby government's Multifaith Multicultural Youth Network.

In its first year of operation the network brought together 20 young Victorians who represented a diversity of faiths, cultures, age and life experiences. Among a number of initiatives the group provided direct input into the format of the new multicultural policy, as well as the development of a pilot regional schools program. Their work saw the network presented with the ambassadors award at the Victorian multicultural awards for excellence.

I take this opportunity to say thank you to retiring members Jasmine Ammouche, Kerryn Clark, Linda Huang, Keren Leizorovitz, Frank Mach, Latif Mohammadi, Samiro Mohamud, May Joy Toke and Stephanie Wang. These vibrant young people have played a key role in building a fair, inclusive and harmonious society. Through their leadership youth participation in Victoria has been further strengthened. I also welcome the 15 new members of the network, who attended their first meeting last month. They are: Anita Caroline Alino, Flynt Aquino, Aziawan Enyonam, Heba Ibrahim, Dellaram Jamali, Kalyan Ky, Alina Leikin, Olivia Nakiwala, Silver Moe, Swetang Pandya, Ertuze Mete Temurchin, Freeman Trebilcock, Toruna Luxmi Ujooda, Sarah Williams and Nasro Yusuf. I look forward to working with them in the coming 12 months as the Brumby government continues its support of issues relevant to young people from culturally, religiously and linguistically diverse backgrounds.

Water: Epson-Spring Gully recycling project

Ms ASHER (Brighton) — On 31 October 2008 the Minister for Water, Tim Holding, and the federal Minister for Climate Change and Water, Penny Wong, along with federal and state Bendigo MPs Steve Gibbons and Jacinta Allan, announced with great fanfare the completion of the new Epson-Spring Gully recycling project in Bendigo. This project will recycle Bendigo's wastewater for rural purposes and sports fields, among other uses.

This is an excellent project of itself. The problem, however, is that it is $12 million over budget. Originally the project was to cost $35 million and it has blown out to $47 million. This year the project has blown out from $41 million to $47 million, while the Minister for Water, Tim Holding, has been attending to his spelling homework and his departmental style guide.

This is very similar to the blow-out at the eastern treatment plant, which is identified in budget information paper 1. Basically this means that we have a minister who is more concerned with the department's spelling and punctuation than cost blow-outs in water projects. It means that money that should have been spent on vital water infrastructure has now been wasted on budget blow-outs. The minister should focus his mind on the main game, which is delivering water projects on time and on budget.

Mount Street neighbourhood house, Glen Waverley

Ms MORAND (Minister for Children and Early Childhood Development) — On Saturday, 8 November I was pleased to join the celebrations at Mount Street neighbourhood house in Glen Waverley for the 150th birthday of Bellfield House.

Bellfield House, now the Mount Street neighbourhood house, has a significant history in Waverley. The house,

which was the first brick dwelling in Waverley, was built and named by John Ingram, who was instrumental in setting up the original Waverley council. Glen Waverley was the name suggested by John Ingram for the area when locals were seeking an alternative to Black Flat. In 1852 John Ingram came to Australia with his young family from Scotland. He purchased 30 acres of land from Edward Dunnett and in 1858 grew vines and vegetables. He called the property Bellfield House.

Mount Street neighbourhood house now calls itself a community centre 'where people of all ages, beliefs and cultures meet there to share knowledge and cultivate new friendships'. This house very much lives up to its ideals. It has been a very welcoming house, providing craft and self-development activities, film discussion groups, language courses and fitness programs for the Waverley community. For many years it has been run by the wonderful Jill Feinberg and a great committee of management. I acknowledge Cecilia Daniels, the president, Carol Louttit, the vice-president and Leanne Bayer, Mick O'Shea, Sandra and Jim Kinder, Maria Tsiotsioris, Margaret Mowlan, Dora De Blasio, Peter Fussell and Pat Hargreaves for all the work they do as the committee, ensuring that the neighbourhood house provides great services for the local community. I also acknowledge the volunteers, who also do great work.

Alpine resorts: future

Mr JASPER (Murray Valley) — I bring to the attention of the house my concerns for the future of the Victorian alpine resorts, given the lack of genuine support from the state government. Together with the member for Benalla I have recently received representation from the Alpine resorts organisations, commercial operators, club representatives and unit owners expressing concern for their future viability in the high country.

Over many years the state government has indicated its support for the alpine resorts and acknowledged their importance to the Victorian economy as the great tourist attractions for the skiing fraternity. However, the current situation requires urgent action by the government, firstly, to recognise that the skiing industry is at a crossroads, and secondly, to provide stronger support for resort management and skiing enthusiasts. One operator said to me, 'Make no mistake; the alpine areas and supporting towns are facing a critical future', and further, that the responsible ministers, Minister Jennings, the Minister for Environment and Climate Change, and Minister Holding, the Minister for Water, have a cavalier attitude to the difficulties facing the alpine resorts.

Following receipt of complaints from a range of organisations and individuals interested in the future development of the alpine resorts, I corresponded with Minister Jennings, who confirmed receipt earlier this year of a final report from the State Services Authority, which is currently being assessed. The report must be released immediately to the public for discussion, together with the government's response and proposed actions relating to management, leasehold charges and a range of support measures, including government funding, for the alpine resorts. The state government must be under no illusions that urgent positive action is required now.

Women: suffrage centenary

Ms THOMSON (Footscray) — I wish to congratulate the Minister for Women's Affairs on the work being done with the monster petition project banner and signing event that is going on throughout Victoria and the celebration of that on the steps of Parliament.

In my local electorate of Footscray we have taken on the challenge and have invited girls from schools around my electorate and community leaders to an event at the Footscray community arts centre for a signing of the banner. It was a great chance to explain to these girls a bit of the history of women's suffrage and women receiving the vote, and the celebration of the centenary of the vote for women here in the state of Victoria.

The event was really interesting because one of the girls from Footscray Primary School told her mum that she was going to the signing event and discovered that her great-great-grandmother had been part of the original signing in 1891. It was really quite momentous for her and her family that she could participate in an event to celebrate the 100 years. I would like to congratulate all those involved. I congratulate those in my electorate who have taken up with a vengeance the opportunity to sign the petition and be part of a historic event for Victoria and for women in this state and to say how important it is that the history of women in this state and the role we have played in Victoria is recognised.

Housing: tree removal

Mrs FYFFE (Evelyn) — The incompetence of the Office of Housing would be laughable if it were not so serious. On 15 September this year Lisa Kerr and Katherine Johnstone came to my office desperately seeking help to have removed a number of trees on Office of Housing land because they believed the trees were a danger to their young families. The trees have

been damaged by severe storms, rot and borer. Department records show a complaint about the trees was first lodged in July 2007. Early this year a contractor finally came out to remove the trees. The works were not finished, and no-one seems to know why. After numerous phone calls I was told that on 16 September a project officer, a contractor and an Office of Housing representative visited the residents of Gary Court, Lilydale, to reassess the trees.

After a severe wind storm on 22 September we contacted the Office of Housing to ask if an application to remove the trees had been lodged with the council. We were told the office's contractor would hand-deliver the application by close of business on Friday, 3 October 2008. To this day the application has not been lodged. These trees have been assessed as dangerous and must be removed. This is, sadly, another example of bureaucratic incompetence and bumbling mismanagement which has left parents fearing for the safety of their children. We have been told by senior staff of the Office of Housing that this case simply slipped through the cracks at the regional level due to the introduction of a new asset protection program.

Although the housing superintendent has repeatedly offered his apologies to my office, I ask the Minister for Housing when the residents of Gary Court can expect their apology and when the application will be lodged with the council. It is absolutely ridiculous that 18 months has passed and these dangerous trees are still there.

Housing: Ashwood gateway project

Mr STENSHOLT (Burwood) — On behalf of my constituents in Ashwood and Chadstone I would like to congratulate the Premier and the Minister for Housing on the announcement yesterday that tenders are being sought from housing associations to build a new, $80 million housing development called the Ashwood gateway project. This development will provide up to 200 new homes across six sites in Ashwood and Chadstone, with around 100 homes for those in need of public housing. Obviously my constituents think this is an absolutely terrific project. It will transform the gateway to Ashwood along Power Avenue up to Elliot Street where old housing will be replaced by contemporary housing.

I have the honour of chairing the community liaison committee for the Ashwood gateway project. Local residents and organisations have been able to put forward their ideas and help shape the project, which has now gone to tender. We visited some of the housing developments around Melbourne — in Kensington et cetera — and saw what good work is being done right throughout Melbourne in regard to public housing. The community looks forward to a long and productive relationship with the housing association that wins the tender. It will deliver new housing which is much needed, and it will deliver more than 400 much-needed jobs in the local area — and I hope a lot of them will go to local residents. We look forward to working with the successful bidder as master planning and site development proceeds next year.

Nepean Highway–Bay Road, Cheltenham: red-light camera

Mr THOMPSON (Sandringham) — I call for an independent inquiry into the operation of the lights which have seen hundreds of motorists, many with impeccable driving records, booked at the intersection of Nepean Highway and Bay Road in Cheltenham, otherwise known as the highway robbery intersection.

Both the Minister for Roads and Ports and VicRoads have stated that the time for the operation of the amber light is 3 seconds. Remarkably this statement is at odds with the evidence led by an expert witness in a recent court case, former police chief superintendent of traffic, David Axup, and also the prosecution expert. Mr Axup's evidence indicated that on his timing the amber light ranged between 2.25 seconds and 3.03 seconds, averaging 2.75 seconds. The prosecution expert did not dispute Mr Axup's findings and suggested that the amber light operated on a variable time frame based upon a complex computer model called the Sydney co-ordinated adaptive traffic system. The next question is what a fair timing level for the operation of the amber light at this particular intersection is, taking into account its unique complexities, especially for those motorists who may not have the timing reflexes of a jet fighter pilot!

In the United States courts and legislatures have taken it upon themselves to inquire further into this issue. A judge undertook a review subtitled 'For revenue or safety?'. The position raised in the United States is that there is an unclear standard for the operation of yellow light settings. A further inquiry was undertaken by the House of Representatives majority leader, called the *Red Light Running Crisis — Is it* — —

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

Thessaloniki Association: sister city celebration

Ms RICHARDSON (Northcote) — Last Sunday, 9 November I had the pleasure of attending the sister

cities celebration at Federation Square, presided over by the Prefect of Thessaloniki, Mr Panagiotis Psomiadis. It was an honour to welcome Mr Psomiadis to Melbourne. For 24 years Melbourne has fostered a sister city relationship with Thessaloniki, Greece. This relationship reflects how much the two cities have in common culturally, socially and historically.

The event also paid special tribute to the Greek and Australian soldiers who fought and died side by side in the valleys and on the mountainsides not far from Thessaloniki following the invasion by the Nazis in April 1941. Names of places such as Florina, the Vevi Pass, Aliakmonas River, Servia, Veria and Mount Olympus are now written into the histories of both Greece and Australia. This struggle for freedom created a bond between Greeks and Australians that lasts to this day, no doubt a factor in many Greeks choosing Australia for their new home.

Melbourne has benefited enormously from the many thousands of Greek people who have settled here. It is my very great pleasure that the seat of Northcote in particular is home to a significant Greek population. In fact, the Thessaloniki Association, known as the White Tower, is just a few blocks from my office.

The celebrations were organised by the Thessaloniki Association, and I congratulate it on the success of the day. The president of the association, Paul Mavroudis, along with the secretary Iakovos Garivaldis, are to be applauded for their hard work, not just for this annual event but also for their year-round work for the community. I can happily vouch for the wonderful contributions they make.

The sister city relationship between Thessaloniki and Melbourne is a testament to our shared history and values, and I look forward to celebrating this unique relationship over many years to come.

Alpine resorts: future

Dr SYKES (Benalla) — Victorian snowfields are a much loved and integral part of the economies and lifestyle of many communities in north-east Victoria. However, there are growing concerns that the future of the snowfields is under threat, not so much from the potential effects of climate change but from the policies of the Brumby Labor government.

The future of the alpine resorts, which provide access to the snowfields, is dependent on increasing the number of visitors. A critical influence on visitation rates is the cost of a snow holiday. Many constituents are contacting me and the member for Murray Valley, expressing their concern about increasing costs, to the point where average families simply cannot afford to introduce their children to the joys of skiing and other snow sports. It is obvious that if young people are not introduced to snow sports, there will be a progressive decline in visitation to our alpine resorts, which will lead to their demise.

The Brumby government has a responsibility to address this significant issue, and it has the opportunity to do so in its current review of the management of alpine resorts. The key points which need to be addressed include: cost predictability and fairness, especially as it relates to site rental; sound, efficient governance ensuring significant local stakeholder input; and government investment in infrastructure. I call on the Minister for Environment and Climate Change to ensure that these and other concerns of stakeholders are adequately addressed and that the future of Victoria's alpine resorts is assured. I endorse the requests made in more detail by the member for Murray Valley.

Gary Prigg

Ms MARSHALL (Forest Hill) — One of the most amazing people I have ever had the honour and privilege to know is a gentleman who I have mentioned in this house on previous occasions and who has once again been recognised for the outstanding and life-changing work he does. Last month Gary Prigg, a Forest Hill constituent, received a *Herald Sun* pride of the nation award, in addition to a City of Whitehorse community spirit award, for his volunteer work at the Cerebral Palsy Education Centre.

Gary is an extraordinary member of an extraordinary team of people consisting of the staff, parents and friends dedicated to changing children's lives. I am thrilled for him, and I know I represent each and every member in this house in passing on our deepest gratitude for the work he continues to do. Congratulations, Gary.

Nova Music Theatre: *Cabaret*

Ms MARSHALL — On 24 October I was invited to a performance by the Nova Music Theatre company of their production of *Cabaret* at the Whitehorse Centre. With music by John Kander and lyrics by Fred Ebb, this was a world-class Broadway production that transported the audience with incredible ease. Matt Jakavenko's initial *Willkommen, bienvenue, welcome!* transported the audience to Berlin in 1929 where we were flies on the wall to the unfolding drama at the Kit Kat Klub.

With Oliver Skrzypczynski as the young and somewhat naive Clifford Bradshaw, we witnessed a young American writer drawn innocently into the conflict that would define World War II: nation against nation, and friend against friend. Every performance was captivating, and I sat on the edge of my seat thoroughly convinced of the transformation from actor and performer into the role they were playing.

Nova is an exceptional production company. Di Crough, Oliver, Matt and every other member of the cast should be thoroughly congratulated on their performances, and I look forward to the next Nova production with much anticipation. Congratulations to everyone involved.

Public transport: Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — After I have continually raised this issue both inside and outside this house, the Brumby government has been dragged kicking and screaming to recognise the need to upgrade Ferntree Gully railway station to premium status.

That upgrade should have happened long ago; however, later is better than never. I have been overwhelmed by many residents who have supported me in my campaign to force this government to listen to the concerns of the community. This is a great win for commuters in Ferntree Gully, and I am pleased that I was able to work shoulder to shoulder with many constituents to pressure the Brumby government to finally act after almost a decade of inaction.

The Brumby government's imminent transport plan will be yet another attempt by this government to develop a comprehensive strategy for Melbourne's transport needs. Previous plans have clearly failed my community. Enough is enough. It is time the government listened to the community and provided a clear plan for the future.

This government needs to spell out future plans on a range of projects, including the Rowville rail feasibility study, the tram extension to Knox City, the Dorset Road extension and a comprehensive bus service upgrade. I will not stop advocating on these issues until this government finally starts listening to the concerns of my residents and develops a clear strategy to upgrade transport services in Melbourne's eastern suburbs.

Workplace relations: Mobil Altona

Mr NOONAN (Williamstown) — On Friday, 31 October I was present at the Mobil Altona refinery for the reaffirmation of the joint commitment between Mobil management; the maintenance contractor, Transfield; and the refinery trade unions, including the Australian Metal Workers Union, the Australian Workers Union, the National Union of Workers and the Electrical Trades Union, together with the union delegates and occupational health and safety representatives.

As part of the reaffirmation the parties signed a memorandum of understanding (MOU), which updates the commitments made in the last MOU in 2003. The event celebrated the positive changes to workforce relations that have taken place at the refinery over the past decade. By working together to identify and resolve workplace issues, the MOU has helped to avoid disruption to projects and major maintenance activities. This has been vital to ensuring the long-term viability of the refinery, allowing it to outperform local and international competitors in what is an increasingly tough business environment.

The first MOU was launched five years ago by former Victorian Premier Steve Bracks and has come to be a model representation of the sort of collaborative workplace relationship that the state government is keen to promote: one which fosters cooperation, productivity and competitiveness. The MOU also demonstrates a willingness by all parties to bypass individualised workplace contracts, preferring a fairer approach where all parties are deemed integral to the success of the business.

Mobil is a longstanding contributor to the western suburbs of Melbourne and to the Victorian economy.

Mornington Primary School: maintenance

Mr MORRIS (Mornington) — At question time every day members are regaled with accounts of how this government is spending record amounts on this portfolio or that portfolio. The government clearly does not understand that it is not about how much you spend, it is about the results you achieve. Unfortunately in the case of Mornington Primary School, despite the alleged record spending, the government cannot even find the money to fix a leaking roof — a leaking roof in a heritage building that will cost $45 000 to fix. It is a basic responsibility of the state, you might think, but the government is prepared to contribute only half. The remaining $22 500 cost is to be borne by the school.

This is not optional maintenance — the building is used for meetings, as a classroom and as a staff room. For six months users have had to put up with water running down the walls and carpets having to be lifted for drying, plus of course the potential health threats of mould. And the presence of damp under the building,

particularly one dating from the 19th century, has the potential to compromise its very structural integrity.

The school receives a total of $11 000 per annum for urgent works, so if there are no break-ins, storm damage or other matters requiring immediate attention for two and a half years, perhaps those funds could be used. Or is it the government's expectation that the school community will raise the funds itself for the work?

What nonsense! This is basic, urgent maintenance, and it needs to be funded by the minister — and funded now! I call on the minister to stop trying to pass the buck to the community, find the money and get these repairs done before the Christmas break.

Hampton Park Bowls Club: breast cancer fundraising

Ms GRALEY (Narre Warren South) — On 20 October I attended the Hampton Park Bowls Club for their first ever breast cancer fundraising brunch. As is always the case, a warm welcome, great home cooking and good company were there to be enjoyed. It was a pleasure to be its guest speaker and to feel slightly overwhelmed not only by the task of speaking publicly about my own fight with breast cancer but, above all, by the love and support in the room. It is a great group of people at the Hampton Park Bowls Club, and with several members now and in the past tackling breast cancer, they showed their fond support for others in bucketloads.

Special mention must go to the indefatigable Shirley Burnside, who works very hard to make sure the club continues to improve its facilities and gets everyone involved in lots of events. She is more than ably supported by the very kind Gwen Clough and a whole team which produces wonders from its small kitchen — Ann Westwell, June Damon, Mavis Kelly, Nola Fleming, Grace Hogan and Ellen Smith. Special thanks to Rhonda and Brian Diaper for my lovely orchids and to the team from the Hampton Park renewal project, Marja Park, Jackie Dysiva, Michelle Halsall, and Sue Murphy from the Hampton Park community centre, for coming along.

Hopefully it can become an annual event, with even more locals in attendance. The group from the Hampton Park renewal project is doing a great job in getting Hampton Park on the move. Thanks, ladies, for all your support. I know that it matters.

Water: Mildura irrigator

Mr CRISP (Mildura) — Currently in Mildura the electorate is suffering the effects of an 'act now, think later' decision by the federal government. If ever the Mildura electorate needed cooperative federalism, it is now. This issue requires the Minister for Water, who is also the finance minister, to talk to his federal counterparts for the sake of country Victoria. The water minister needs to protect Victoria's interests from a headline solution in the form of the federal government's small block irrigator exit grant package, which was announced with much fanfare in South Australia nearly two months ago.

The package offered hope to at least 53 Mildura families, who were keen to know more, as they wished to exit irrigated horticulture. The families were told details would be available soon. Now we finally have the details of this package, and it reads like a ransom demand. The insistence that Victoria comply in the removal of a number of state-specific barriers to trade will only bring added hardship to growers waiting to exit and growers wanting to expand.

Due to the prolonged drought, Mildura has exceeded its hardship tolerance threshold. Victoria held off committing to the federal water initiative in order to get a better deal that would better serve Victoria's needs. All Mildura has got from cooperative federalism so far is grief. The water minister needs to get the federal government thinking and acting for Mildura and Victoria's, and thus the nation's, best interests. I urge him to stand up and be counted by delivering an exit package that does not cause division and grief in Mildura.

Barack Obama

Mr PERERA (Cranbourne) — I take this 90-second opportunity to record my warmest congratulations to Barack Obama, President-elect of the USA. It is a profound historical achievement that a half-African, half-Anglo-American junior senator from Illinois can be elected to the highest office on the popular vote in a society which once denied African-Americans even basic educational opportunities in racially segregated schools. This sweeps aside a legacy of division inherited from the era of slavery, bringing to fruition the hopes of the 1960s civil rights movement. A descendent of slaves will soon occupy the White House as the incumbent first lady of the United States of America.

Barack Obama campaigned well, never losing sight of his target and driving home his prime polices: standing

up for working families, creating a new energy plan for America, renewing American alliances, ending the war in Iraq, championing a nuclear-free world, and promoting a universal public health system for Americans. Obama has offered Americans a fundamental change of direction. He brings with him the vitality of youth and the enthusiasm, compassion, pragmatism and progressive values of his generation, which will move the United States of America forward from its tired old perception of itself as the world's policeman. An Obama administration will earn the respect of the wider world, including Australia. President-elect Obama shows every sign of being up to the task. To the American people I say, 'Thank you for making this — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Gas: Hastings electorate supply

Mr BURGESS (Hastings) — The townships of Tooradin, Blind Bight, Cannon Creek, Warneet, Devon Meadows and areas of Cranbourne South, Langwarrin and Pearcedale continue to be disadvantaged by the Brumby government's refusal to provide natural gas to their communities. I have raised the need for natural gas in these areas many times in this place, but the state government has failed to act.

At a time and in an environment when our community is in need of leadership, our environment is in need of relief and our economic situation is in need of inspiration, the opportunity is there for the state government to take action that ticks all of these boxes. Natural gas creates far lower atmospheric emissions than oil or coal. For an equivalent amount of heat, burning natural gas produces approximately 45 per cent less carbon dioxide than burning black coal.

This infrastructure requires substantial investment, but it is an investment not only in our environment but, more importantly, in our communities. Households that convert from liquefied petroleum gas (LPG) to natural gas will save up to $1500 a year — natural gas being approximately one-third the price of LPG and half that of off-peak electricity. It is not only individuals who save with natural gas; the whole community and the environment benefits.

The bottom line is that enterprises which are responsible for delivery of natural gas to the households in these townships balk at the cost. The solution is for the state government to provide some level of subsidy. The appropriate level of subsidies can only be ascertained accurately after a feasibility study that considers the likely costs and levels of community support. The government must conduct a feasibility study for these areas immediately. The need for natural gas in these communities is great; I will continue to work to ensure this need is recognised by the state government, and that this vital service is delivered to the people of Tooradin, Blind Bight, Cannons Creek, Warneet, Devon Meadows and areas of Cranbourne South, Langwarrin and Pearcedale.

Housing: affordability

Mr LANGUILLER (Derrimut) — I place on record my congratulations to the Victorian Public Tenants Association for its recent conference. I particularly commend Geoff Skidmore, acting chair, and Margaret Guthrie, former chair, the volunteers who assisted in organising the conference and everyone who attended.

I take this opportunity to talk about A Fairer Victoria, the government's social policy action plan. This plan includes investment of $500 million into affordable rental housing. A safe, comfortable, well-located and affordable home is absolutely essential. It gives us a sense of place and community and it provides stability. Without a home it is difficult to keep a job, take further education and training or access community services.

Nearly one-third of our public housing buildings are over 30 years old and the accommodation is generally geared towards larger families. Much of this is now ageing and run down, and does not suit the needs of many people who are looking for public housing today. Of the $500 million, $300 million will go towards helping registered housing associations to expand the supply of affordable rental housing for low-income and public housing tenants This will deliver at least 1550 new affordable homes over the next four years. The remaining $200 million is being spent on modernising older public housing, as well as constructing about 800 new homes. In some areas old houses will be sold, or demolished and replaced with modern homes. This is about putting housing in areas where it is needed the most. In some locations housing may be relocated.

The DEPUTY SPEAKER — Order! The member's time has expired.

Elwood Talmud Torah Congregation: 75th anniversary

Mr FOLEY (Albert Park) — I recently attended the 75th anniversary commemoration of the Elwood Talmud Torah Congregation. The event was a

celebration of the achievements of the Jewish community in our local area, as well as in the Victorian and Australian Jewish community more broadly and indeed its contribution to the worldwide Jewish community and the state of Israel.

Established in the early 1930's the first minyans were held in a number of private homes before moving to a more permanent residence in 1938. The horrors of the holocaust and the post war migration saw the community grow and establish its strong support for holocaust survivors and its deep links to eastern European Jewish culture. With the purchase of property in 1947 in Dickens Street — still the home of the Elwood Shul today — the congregation began to build its reputation for education and scholarship, religious and cultural observance and support for the traumatised communities and survivors who found a welcoming community in Elwood.

From this base the community has thrived and grown, particularly under the leadership of the honoured Rabbi Chaim Gutnick and now under the leadership of his son Rabbi Mordechai Gutnick. The Elwood Shul has achieved much it can be proud of in its 75 years, but its greatest achievement is pointed to in the earliest of times when the minutes of the board of management of the congregation on 25 April 1944 record a decision to hold a memorial service in commemoration of the first anniversary 'in honour of our fallen brethren in the Warsaw ghetto'. This date is particularly important and points to the fact that the Elwood Talmud Torah has survived great intolerance.

The DEPUTY SPEAKER — Order! The member's time has expired.

Frankston Hospital

Dr HARKNESS (Frankston) — I recently attended the annual general meeting of one of Victoria's finest metropolitan hospitals: the Frankston Hospital. I congratulate the staff and hospital on another successful year. They continue to work hard to serve the needs of the Mornington Peninsula community, and I look forward to working with them in the future.

The DEPUTY SPEAKER — Order! The time for members to make statements is now concluded.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Public transport: government performance

Mr MULDER (Polwarth) — How appropriate it is that we have an opportunity today to grieve for the public transport network in Victoria, to grieve over issues in relation to traffic congestion and to grieve over the crime wave that has beset our public transport network with absolutely no action whatsoever by the Brumby Labor government in Victoria.

It is interesting to note that on page 9 of yesterday's *Herald Sun* there was a major report in relation to over 6000 incidents of crime on the public transport network, and what was the response of the Premier? The following day — today — again in the *Herald Sun* at page 9, an article states, in part:

> Crime and violence on trains and trams will be a focus of Victoria's new public transport plan.

Another plan! We have got another plan, this will be 5A — five transport plans in nine years and now part A of plan 5 is going to deal with safety on the public transport network.

We are really looking at some big things here, because the same article says:

> … Mr Brumby hinted at a range of new crime prevention initiatives.

But the Premier did not actually outline what they are; he hinted that he might be going to finally do something in relation to safety on the public transport network. He was quoted as saying:

> We are looking at all of these issues in the context of the Victorian transport plan.

As we speak, this particular plan we are looking at is having its pages torn out in the Department of Premier and Cabinet. Pages are being torn out of the plan because the Premier of Victoria has been told by the Prime Minister, Kevin Rudd, 'Cool your heels. The money you were expecting to get for the transport plan is not coming forward now'. It is amazing, is it not, that up to this point in time the Premier has been blaming John Howard, the former Prime Minister? He also blamed the former federal Treasurer, Peter Costello, former Premier Jeff Kennett, Connex, population growth and petrol prices, and now he is blaming Kevin Rudd. The government has had nine years in office with $60 billion of GST revenue. The state budget has

doubled, yet the government still cannot deliver on public transport or road infrastructure for the state of Victoria.

It is interesting when you hear some of the claims of the Premier, such as, 'The federal government has to come good with money otherwise projects will not proceed here in Victoria'. I will just refer to a media release of the Honourable Anthony Albanese, federal Minister for Infrastructure, Transport, Regional Development and Local Government and an announcement by the former federal Treasurer, Peter Costello, in relation to the Nunawading intersection and railway crossing at Springvale Road. In November of last year $80 million was put on the table by the federal government, the now federal opposition, to fix up that notoriously dangerous level crossing. The Royal Automobile Club of Victoria supports it and people who live in that region support it. The Victorian Level Crossing Steering Committee wrote to the government asking it to fix up that level crossing.

What have we had from the Premier of Victoria? He has not uttered a single word. That money could very well be lost, because the Victorian state government has not even come forward to acknowledge a contribution or indicate that it will add to it or even match it. From what we can understand, it does not need matching funding. It appears it needs only to be topped up by between $10 million and $20 million to make that project a goer. It is the worst level crossing in the state of Victoria. It is the most dangerous level crossing in the state of Victoria. The money from the federal government is on the table as we speak, yet the state Labor government will not match the funding and will not put the project forward — —

Mr Nardella — Yes we will.

Mr MULDER — When? You are quiet again. The member for Melton has nothing to say, because the project is not going to be delivered. The Victorian government is made up of lazy, incompetent and useless people. It is a government that cannot even match a federal government commitment to fix up a dangerous level crossing and to grade separate that crossing to make it safe.

I grieve for the people who attended Oaks Day at the VRC (Victoria Racing Club) carnival this year. What an absolute disgrace and what an embarrassment. There were international guests, tourists and people from interstate. Around 50 000 people were left stranded at Flemington racecourse railway station, yet the VRC organised day after day of the Spring Racing Carnival and catered for and entertained hundreds of thousands of people in a safe environment. The VRC asked the government to do one thing for it to make our event the event that every other racing industry anywhere around the world looks at and wants to copy. The VRC asked, 'Please get the patrons home safely'. The government could not even do that; it could not even get the patrons home safely. How embarrassing. Go out Don! Out of the chamber he goes; he cannot bear to listen to it — —

The DEPUTY SPEAKER — Order! The member for Polwarth should use correct titles.

Mr MULDER — How embarrassing was it for the state of Victoria that at one of our great major events there were patrons swimming across the Maribyrnong River, people climbing onto the outsides of trams or hoofing it to the central business district of Melbourne because the trains did not work? The trains did not work because of a lack of infrastructure investment by the Brumby government. As I said, on the following morning the patrons who were left stranded at the racecourse railway station would understand the difference between a thoroughbred and a brumby: thoroughbreds actually try but John Brumby has never tried to fix the public transport system here in Victoria.

Can I say the Premier reminds me very much of the latest acquisition of a number of members of Parliament. It is a racehorse called Jagged Man. How appropriate that that horse should turn up under the ownership of some members of Parliament. It is very much a reflection of the efforts of the Premier in trying to deal with the public transport network.

It is interesting also that the Minister for Public Transport said there would be no compensation in relation to the fiasco that occurred on Oaks Day. The following day Connex said there would be compensation and that it was going to offer free transport to Emirates Stakes day. Who is running the show? Is Connex running the show or is the Minister for Public Transport running the show? It is the second time in a couple of months we have had this happen. The minister came out and announced that pensioners were going to have to buy their tickets in advance when travelling under the myki arrangements. The next day the decision was turned around — that was not going to be the case. Once again the Minister for Public Transport was overruled.

You would have to grieve for the people on the Werribee, Hurstbridge and Epping lines. Around 700 000 people live in those areas. As a result of the timetable changes announced by the government, which commenced last Monday, a lot of those residents, particularly those who commute on the

Werribee line — and there are about 10 000 of them — are going to spend 77 extra hours each year either sitting on a train or standing around a railway station or scurrying up and down the platforms at North Melbourne trying to swap trains. It is an absolute and utter disgrace.

Those travelling on the Epping and Hurstbridge lines will spend an additional 38 hours, or a full working week, per year standing on railway platforms or sitting in trains. As revealed by a number of the interviews that were conducted on the relevant platform at North Melbourne, some of the young mothers were saying, 'I am going to have to pay more for child care as a result of this'. Other people to whom we spoke on the trains said, 'Look, we are already late for work'. Young kids going to school were going to be late for school again. Is this the way to run a competent public transport system in this day and age? It is without doubt a complete and utter disgrace.

It is amazing to see how this government when it is in this sort of difficulty tries to spin its way out. We had an example over the weekend in relation to the new accreditation program for the taxi industry — the 10-point safety check. Victorian Taxi Directorate authorised officers were going to run around pulling up cabs, checking them over and accrediting them. Then the cabs were going to be fitted with new green numberplates saying, 'I am an accredited taxi'. They were going to sniff the gas tank and say, 'Yes, the gas tank does not leak. Yes, this taxi has tyres on it. Yes, the brakes appear to work and the lights are working. We are going to give you a green plate'.

The minister is saying that taxis that do not pass the test face a risk of being taken off the road. They are not going to be taken off the road — it sounds like it, but it is only a risk of being taken off the road. If there is an unsafe taxi out there, you would expect that it would be taken off the road and only accredited taxis would remain on the road. That is the way you would think it should work. That would mean that every taxi on the road would have a green numberplate or it should not be on the road.

Is this about a business for whoever is printing the numberplates or is it about accreditation? Surely every taxi is going to have a green numberplate. Why on earth would you spend money on that? There is no differentiation. There should not be a taxi on the road that is not accredited. This is just a whole host of government spin and waste. It is absolute rubbish. Someone is getting a quid out of printing the numberplates, because that is what this is all about. It is an absolute joke. I have been down that pathway before. I have seen what happens with those accreditation processes. It was just an attempt over the weekend to make it look like the minister was doing something with the taxi industry.

Of late there have been two government announcements in relation to the taxi industry that I think have been positive: no. 1 is up-front fares and no. 2 is safety screens. Go back to before the last election and have a look at the taxi industry policies of individual parties. There is one Liberal Party policy, and that is where those two initiatives came from. They did not come from the lazy, useless government of the day, which has all the bureaucrats at its fingertips to do that sort of work for it. They were Liberal Party policies. Have a look at the up-front fares. It was introduced overnight without a whimper; the whole thing ran smoothly. The government should have had a look at the rest of our taxi industry policy. If it had, it would have understood how effective the Liberal Party was in putting together that industry policy, working hand in hand with the industry. And the industry knew it.

I spoke before about the crime wave on trains, and these statistics are horrific when you look at them. There were over 6000 individual incidents of crime, the worst being on the Pakenham line. There were 20 incidents of rape or sexual assault on the Pakenham line last year. On thefts from motor cars — these are the people who say they will drive to the station, they will leave their car there and do the right thing and embrace public transport — 363 cars were broken into and goods and belongings stolen out of them. There were 45 incidents of people carrying weapons. There were nearly 200 assaults and robberies. That is only on one line — the Pakenham line.

What do we get from the Premier who would have known that these figures were being collated? These figures come out each month. The government has known all along that this was coming. What we get from the Premier the day after the figures come out is, 'I have a plan to fix it all'. He is hinting that he has a plan to fix it all, but he is hinting at it because he has not got a clue what to do about it.

Mr Hodgett — Pull the seats out!

Mr MULDER — Pull the seats out — that is one idea the government has. The Premier of the day does not have a clue. What happens when you get this sort of headline is that he runs back to his departments and says, 'Come up with another spin. Come up with another scheme. Come up with plan 5A to try to dig us out of this one'. When you think about what this

government is doing, have a look at the 2.00 a.m. lockout. That is on plan 1A at the moment because the government's original crack at it did not work. The government responds to crises. Never at any stage has this government been in front of the game. When the Premier does finally have a look at his transport plan and announce it, he will be looking at projects such as the metro underground train link, which was previously suggested in the government-commissioned Infrastructure Planning Council report in 2002.

It has been put to the government before and it knocked the recommendation back. Eddington's recommendation 2 is a rail link from Sunshine to Werribee. That was designated as a public transport corridor in the *Werribee Growth Area Plan* of November 1990. It has been looked at before, but it was knocked back. Eddington's recommendation in relation to a cross-city road tunnel has been looked at before but was knocked back.

What on earth is the Premier going to come up with, as new and exciting background to it, that is going to encourage or at least try to inspire the Victorian public? He has had so many cracks at it and so many opportunities. There is no doubt that Victoria has missed the boat: the money was there in the past; the time was there in the past; the government had the opportunity to do the planning in the past. The government has missed the boat, and Victoria has missed out as a result of it.

Higher education: funding

Ms GRALEY (Narre Warren South) — I am moved to speak today by three recent events. One was my own daughter's graduation from the University of Melbourne, a time of pride for any parent and along with the hundreds of other parents there, a really great day. The second one was the return of my brilliant friend Claire O'Neill from Harvard where she enjoyed the freedom and luxury of a great university and has had her faith reaffirmed that good people and good public policy can change the world for the better. And then I see the announcement in recent days that Anthea Lindquist is to be the 2009 Rhodes scholar. She has said that she is going to dedicate her career to improvements in maternal and child health in disadvantaged communities in Australia and in the region. I am inspired by these three young women. We feel proud as parents because they give every one of us great hope.

But today, Deputy Speaker, I am here to grieve for the damage that has been done to our higher education sector by past governments. The purpose of our education system is to unlock the potential of individuals, to prepare them for their future careers, to enlighten their humanity and to cultivate their creativity. In doing so we become a wealthier, more innovative and culturally rich community. Education is not an expense, it is an investment. That is something that our partner countries in the Organisation for Economic Cooperation and Development (OECD) have long since recognised but which the Howard government especially did not understand.

Comparisons with other OECD countries tell a dark story of government neglect and educational impoverishment. Let us look at the facts. Between 1995 and 2004, OECD countries increased public funding of higher education by 49 per cent. Australia cut funding by 4 per cent. In the same time period, total funding per student, which includes public and private sources, increased by 9 per cent across the OECD but by only 1 per cent in Australia. Admittedly the overall funding of higher education in Australia between 1995 and 2004, including private sources of income, rose by 98 per cent. However, the OECD average in the same period was 176 per cent.

Australia is one of a small group of countries within the OECD in which governments contribute less than half the cost of tertiary education. Universities in the other countries in this group — the US, South Korea and Japan — tend to have a much greater capacity to raise money through private sources than those in Australia. I will talk about that later.

Should the government contribute less than 50 per cent of the cost of tertiary education? Do we derive less than 50 per cent return on our public investment in higher education? Let us have a think about this. Perhaps we should ask Ian Frazer who developed the Gardasil vaccine that is already saving the lives of women around the world. Perhaps we should also ask David Karoly, a leading climatologist at Melbourne University who has contributed to the reports of the Intergovernmental Panel on Climate Change.

Perhaps we could also ask the economists and lawyers at the Reserve Bank and the Australian Prudential Regulation Authority who have ensured that our banks have remained well capitalised and buffered against the turmoil in international markets. Perhaps we should ask the curators at the Melbourne Museum or the National Gallery of Victoria who arrange and interpret some of the great cultural artefacts of our civilisation so that we can better understand our society and humanity.

Across the disciplines — from medicine to law or arts to commerce, from science to architecture — we all

benefit from the education of students in our universities. The public benefit of this investment is, for instance, a prosperous and dynamic economy, a high quality of education and health services, and a vibrant artistic and cultural life. Moreover, the statistics show decisively that individuals with post-school educational training are much less likely to be unemployed than those without. This is a private benefit for the individual but also a public benefit for the community. Unemployment is an economic and social waste, diminishing the overall capacity of the economy and imposing a financial and social cost on the community. Employment is therefore a social good, generating new wealth in the economy and diminishing the cost to the public purse of social welfare services.

Therefore is it not logical to invest substantially in what is clearly a powerful factor in the creation of employment? Why would or why has the government cut its investment in education when this is so well known? Why would or why did the previous federal government do this at a time in which both wealthy and emerging economies are investing so heavily?

The consequences of this neglect are resounding throughout the tertiary education sector in this country. In Victoria in recent months three universities have announced major staff cuts. Universities have also been unable to adequately invest in new facilities and infrastructure. What does this mean for our higher education sector?

Firstly, it means higher student-to-teacher ratios, diminishing the quality of education that can be provided to each student. Less than one-third of students report that staff are interested in their progress and provide helpful feedback. Staff are simply unable to dedicate time to each individual student. Secondly, it means greater casualisation of the academic workforce as universities seek to contain wage costs at the expense of tenured positions.

The academic workforce in Australia is ageing, and the increased workload associated with higher student-to-staff ratios is diminishing the appeal of careers in higher education among younger academics. I found it very sad to hear an academic on the radio last week suggesting that she would not be advocating that some of her students take up an academic career. In a global market for academics, Australia must ensure that our institutions can retain and attract the best talent.

Thirdly, it means that universities must rely on the fees of international students to supplement their revenue. These fees are often not directed to capital works or other important investments, as they are too often needed to cross-subsidise underfunded research council projects or to simply keep the budget in the black.

Education exports are an increasingly valuable component of the Australian economy. A report in the *Age* of 6 August ranked education as Australia's third most important export industry, behind coal and iron ore. It brings in $12.5 billion every year. Higher education enrolments amount to around 40 per cent of international enrolments in Australia. The proportion of international students at our universities has increased from 9.6 per cent in 1997 to 25 per cent in 2006, a 300 per cent increase in under 10 years.

There are a number of observations that should be made about these statistics. Firstly, our academics and their institutions have maintained rigorous and highly valued education programs that have attracted international students. Clearly, this has been against the odds and is a great credit to them. Secondly, education exports are a major economic opportunity for Australia, but rely for their growth on the success and prestige of our universities. Thirdly, the fees from international and full-fee domestic students now comprise a major source of revenue for many institutions. This explains how private funding of higher education increased while public funding declined under the Howard government. The government shifted the responsibility for higher education funding onto individual students.

I grieve that, as a consequence of the Howard government's neglect of higher education, only three of our universities were listed in the top 100 in the Shanghai Jiao Tong University's *Academic Ranking of World Universities*. They were the Australian National University, the University of Melbourne and the University of Sydney. Unfortunately our universities rankings have continued to decline.

While the rankings are dominated by US and UK universities, it is worth noting that we are outperformed by comparable nations such as Canada, Sweden and the Netherlands. This performance on a major global indicator imperils the continued growth and quality of our education exports. In a globalised education market, international students will use reputable rankings such as these to decide where to apply. One would think that, in response to these indicators, an engaged government would develop a strategy in partnership with the universities to boost their performance. But what was the previous government's response? The introduction of voluntary student unionism and making university funding contingent on the use of Australian workplace agreements.

Over 70 per cent of students now combine part-time work with their studies. While students worked an average of 14.8 hours per week, one in six worked over 20 hours per week. A large proportion of these students report that this impairs their studies and their university experience. I loved my university experience. I wanted that for my children and I want it for every person who is able to gain entry into a university.

The take-up rate of income support among many full-time students has also dropped significantly since the introduction of more stringent eligibility requirements in respect of parental income and assets. This has resulted in a reported increase in student anxiety about their finances. This would have worsened as the rental crisis has shown little sign of abating.

While income support must be reserved for those who require it, we must ensure that our stringency does not exclude potential students from pursuing higher education. I am particularly concerned that people in my electorate of Narre Warren South are now saying that they cannot go to university because they cannot afford to. I know this is the case in many areas and regions — on the peninsula and in rural areas. Without income support some families simply could not afford to send their children to university. Such social exclusion is wasted human capital, and is therefore a greater long-term cost to the economy and the public purse than the timely provision of the necessary income support.

As the Deputy Prime Minister has stated, we must guarantee access to higher education or skills training for every young Australian with the talent and willingness to give it a go — in keeping with the current political theme of 'Yes, we can!'. I applaud the efforts of the Rudd government to unwind the knots that have obstructed growth of Australia's higher education system. The Deputy Prime Minister, Julia Gillard, is preparing a strategy that is specifically directed at improving the quality and diversity of our universities, workforce productivity, funding arrangements and student support programs.

Finally, we have a commonwealth government which recognises the real challenges to Australia's higher education sector and, most importantly, the needs of the students it is designed to serve. But it is not up to just governments. I note that in these times we are doing it a little bit tough, but I note also that a lot of people have made a lot of money in recent years. I call on the private sector to take some inspiration from what happens in other countries and donate to universities. Universities here in Victoria and in Australia certainly do not have enough of the types of bequests that are made to the great universities in the United States.

Recently I was heartened to see that the engineer, entrepreneur and philanthropist, Hansjörg Wyss, who attained an MBA (master of business administration) in 1965, has given Harvard University $125 million to create the Hansjörg Wyss Institute for Biologically Inspired Engineering. We may not have that type of money in Victoria or Australia, but many people in the business community who are now setting up their own foundations could be setting up major public institutions that all our students, all our educators and all our researchers could greatly benefit from.

The higher education sector faces significant challenges: an ageing academic workforce, unattractive employment conditions in an international labour market, significant capital works needs, unpredictable and inadequate funding, complex and unnecessary administrative arrangements, high student-to-staff ratios, and students overburdened by the need to work hard and long hours at part-time jobs. These are substantial challenges, but I hope the years of commonwealth neglect are now over. It is now up to the Rudd government to act. It is now up to the Deputy Prime Minister to bring on the education revolution.

Those of us who have watched our daughters graduate can only hope that more children, more of our students, more of the people I represent in Narre Warren South — the young Afghani girls who want to go to university so they can have a great job in the future and support the rest of their family; these are the sorts of people who come into my office and talk about not being able to go to university — have the opportunities that I and my daughter have had. The brilliant Claire O'Neill and Anthea Lindquist will inspire them all to take up that wonderful opportunity in the future. Bring on the education revolution!

Economy: performance

Mr WELLS (Scoresby) — I grieve for the Victorian economy. We want to know who will take responsibility for the Victorian economy. We have a Premier who revels in good news but when there is any sort of bad news he has to look for someone to blame. After the federal economy was strengthened under the leadership of Prime Minister John Howard, Victoria has seen and has benefited from enormous solid economic reforms. In the past few months the state government has been found wanting. We have no vision, no leadership, no answers and certainly no credibility from the government. When we look for leadership, John Brumby is not to be seen.

Despite the significant benefits the state received under the federal Howard government, the state government has wasted and squandered billions of dollars over the years. After nine very long years of waste and mismanagement by the Bracks and Brumby governments, we now find ourselves with a fragile economy and without any answers. Business and others in this economy want answers, want certainty and want leadership, but they do not get that from this government. The reality is that the government says we have to blame everyone else.

It is interesting to look at yesterday's *Daily Hansard*. The Premier accused the Leader of the Opposition and myself as shadow Treasurer of talking down the economy. The reality is that Labor has been running down the economy for the last nine years. The government does not need people talking down the economy, it has been running down the economy. It is interesting to note that when the shadow Minister for Public Transport got up to speak on public transport he pointed out that the perils of public transport are considered by the Premier to be the fault of former Premier Jeff Kennett, former Prime Minister John Howard, population growth, petrol prices, Connex and the Rudd government. It is never, ever the fault or responsibility of the current Victorian Labor government.

Government members are very keen to blame the Kennett government for everything. Not once has any of them acknowledged the difficulties the Kennett government faced when it came to government. In 1992 we had a recurrent deficit of $3 billion. That was what the Kennett government faced when it came into office. What had been happening under the previous Labor government — —

Mr R. Smith — The Guilty Party.

Mr WELLS — As the member pointed out, it was the Guilty Party. The former Labor government was spending $3 billion per year more than it was receiving in tax receipts. It was putting the wages of police, nurses and teachers on Bankcard, so to speak. In addition, it racked up $33 billion in debt. Never once has the current Premier acknowledged the difficulties that were faced in 1992.

We have found that on any issue members of the Labor government have said it was always the fault of the previous government that things went wrong. Whether you looked at transport, health, education, roads, tax or infrastructure, the first thing government members did was blame the Kennett government. However, Labor's polling must have shown that that was not working and that it was not sticking, so government members changed tack. They then started to blame the federal Howard government. We were then in an interesting situation where the Howard government was to blame for the increase in interest rates. There were also issues with the health system and the amount of funding the state was receiving from the federal government.

We then had the issue of funding arrangements with the commonwealth government. The roads in Victoria were not being kept up to scratch so Labor blamed the Howard government for a lack of road funding. Then we were looking at why Victoria was doing so poorly when it came to exports, and rather than looking at what it had promised in regard to rail infrastructure and assisting farmers the Labor government blamed the Howard government for the increase in the Australian dollar. The government also blamed Howard and his colleagues for the drought, as you would!

That blaming was not washing with the community, so the government started to look at other reasons. The government decided it could not blame the Howard government forever and needed to look for other people or events to blame, so it started looking at things like bushfires. The reason for the downturn in some of the revenue coming from farming communities was the bushfires. The reason for a decline in exports and a weakening economy was the drought. Then we went back to blaming the Australian dollar for being the highest it has been in 17 years. Despite all this, not once ever did the Premier and previous Treasurer take responsibility for the way the economy was travelling.

Just to recap, members opposite have blamed the Kennett government, the drought, the bushfires, the rising Australian dollar, the federal Howard government, the opposition leader and opposition Treasurer, interest rates, Connex, petrol prices and population growth. Just when you think they have run out of people to blame, they begin to blame the Prime Minister, Kevin Rudd. This is the man they so desperately wanted to get into government, and now they are blaming him. What a classic! An article in yesterday's *Herald Sun* states:

> Prime Minister Kevin Rudd has refused to guarantee Victoria will get its fair share of infrastructure funding for key transport projects.

It further states — wait for it:

> Premier John Brumby slammed the Rudd Government, saying the states were carrying 'all of the load'.

The Premier campaigned desperately to get a federal Labor government in Canberra, and he has finally got one. The government has blamed all of those other

events, people and situations and now it is going to turn on its own and start blaming Kevin Rudd, because Victoria is now struggling and looking for funding for these key transport priorities and it is not working.

Mr R. Smith — I thought Kevin was here to help.

Mr WELLS — Kevin was here to help. I remember that the way it was explained to us by the Labor government was that under a federal Labor government we would start to get our fair share of GST, we would have equal funding when it came to hospital funding, our industries would improve and our road funding would improve. I am not sure what is happening to the friendship or rapport between the Premier and the Prime Minister. The Premier assured us that with the election of the Rudd government there would be fairer funding for health and roads, and that we would have a larger proportion of the GST. My understanding is that there will be an overall fall in GST receipts coming back to the state.

I pick up on a point made by Paul Austin in an *Age* article of 30 October. It states:

> Since when did the Victorian economy become a politics-free zone? If you listen to Premier John Brumby and Treasurer John Lenders, the answer seems to be: since about the time the global financial crisis hit home.

How very interesting. This comes back to one of my original points: when the good times are here, the Premier will take credit; when the bad times come and we are looking for leadership and certainty, we cannot find the Premier — he is spending most of his time working out who to blame. The article goes on to say:

> Brumby and Lenders would like it to be known that they think the opposition should be applauding the state economy at this sensitive time, rather than asking pesky questions about what the international crisis may be doing to it.
>
> You can see why they are trying this on: Brumby made his name as a successful Treasurer, and Labor's survival in office will be threatened if it loses its reputation for competent economic management.

That is why the government members are panicking and trying to blame everyone else. However, the reality is that it is just not washing.

The Premier spends a lot of time talking about the number of jobs that have been created in this state. It seems the only reason these jobs have been created is because of the Premier's personal involvement. One increase in jobs the Premier and the Minister for Police and Emergency Services went to great lengths to talk about at the time was the Excelior decision on AAPT. They went to an enormous amount of effort to make an announcement about all the jobs that would be created in Bendigo. What happened in May 2008?

Mr R. Smith — What?

Mr WELLS — Three hundred and sixty jobs were lost. The government made the announcement with a lot of fanfare, but when all 360 jobs were lost in May 2008 there was not one word from it. I guess that is an example of the government announcing the good news but not wanting anything to do with the bad news.

Mr Nardella — What would you have done?

Mr WELLS — Here we go! The member for Melton says, 'What would you do?'. He is asking that because the government has run out of ideas. It does not have a clue how to run the economy. It is going to ask the opposition to give it some ideas, because it has run out of them.

Debt under Labor will increase from $3 billion to $22 billion, so the government is racking up debt. It is receiving record levels of state taxation through record payroll tax, record stamp duty and record land tax. It is receiving record amounts of tax but after nine long years, because of waste and mismanagement, the government is now screaming to the opposition, 'What would you do — because we have run out of ideas? Please can you send us some ideas because we do not have a clue? We sit in the caucus room and look at each other; and it is like a vacuum there, because we have run out of ideas and we need the opposition to take over'.

It will be interesting in the run-up to the next election to see what new ideas the Labor government has. At question time after question time we have asked, 'Where is the vision? Where is the certainty that the government was going to give to business in Victoria so it may want to employ more people?'. But while there is uncertainty, people will struggle to invest, to expand and to employ people because they do not have a clue what the state Labor government is going to do to get us out of this financial mess.

Can you name just one new initiative that the government has announced since the beginning of the financial crisis?

The DEPUTY SPEAKER — Order! The member will speak through the Chair.

Mr WELLS — Through you, Deputy Chair, can members name one new initiative announced since the global crisis? There is nothing. We seem to be waiting on the budget update. Look at the situation of where the

government has had major cost blow-outs on all the major projects. Not one of the government's projects has come in either on time or under budget. The government has had record amounts of GST coming in; it has had record land tax, record stamp duty, record payroll tax and record debt. What has the government done? It has squandered the money, which is the reason why I grieve for the Victorian economy.

Captain Arthur Phillip: recognition

Mr LANGUILLER (Derrimut) — Today I wish to grieve at the lack of proper recognition for the life and achievements of Captain Arthur Phillip who lived from 1738 to 1814. From the outset I wish to place on record my profound and sincere appreciation to Dr Maureen Goldston-Morris, OAM, and to the Naval Historical Society of Australia on whose work I base my grievance today.

I also grieve at the fact that notwithstanding the calibre of this man who rose to the rank of admiral of the blue, who actively opposed slavery, who was a known environmentalist who believed in granting convicts freedom and land, and who established relationships with Australian indigenous people second to none, he received no honours from his country of birth or proper acknowledgement in Australia.

In discussing Phillip's life I believe it is essential that the effect of two great treaties are properly understood: the first was the great Treaty of Alliance, signed between England and Portugal on 6 June 1386, when John of Gaunt of England gave his daughter Phillipa in marriage to King Joao of Portugal. The second treaty was the Treaty of Tordesillas with Pope Alexander VI under a papal bull in 1492, which divided the world between the two then great navigational countries of Portugal and Spain.

Of course the Cape Verde islands spread over hundreds of miles, and the dividing line was never agreed between the two countries, hence the colonial wars in what is now known as Uruguay, which is my country of birth; there is the connection. The other boundary fell approximately on the Western Australia border. Phillip's governorship spread from the Western Australian line — or longitude 129°E — to the South Pacific, the largest area of the colony of New South Wales in history, as a result of England's determination to annexe the Spanish domain in the South Pacific was covered by the Treaty of Tordesillas.

As I understand it, Phillip came from a very old and distinguished Jewish family. I understand the Phillip family was one of those removed from Toledo in Spain under a royal order of Queen Isabella that all Jewish families must become Christian or leave Spain. As I understand it, the Phillip's migration ended in Frankfurt am Main.

Arthur Phillip was born on 11 October 1738, and his christening took place in All Hallows Parish Church in November. His father is described as having a very heavy accent, so no doubt as a youth Arthur was teased by the local children — as children with a migrant parent have been teased for centuries. His mother Elizabeth gave Arthur a great love of the Royal Navy and the determination to serve his country. His father gave him the greatest gift of all: an excellent education.

As I understand it, Arthur's first report from Greenwich school read 'How fortunate Arthur Phillip is to have had an excellent grounding in Latin from his father. He speaks and writes his father's language fluently and has a sound knowledge of French'. Arthur Phillip spoke six languages as well as his native English.

In 1760 Phillip rejoined HMS *Stirling Castle*, which was commanded by Captain Everett, for service in the Caribbean at the Leeward Islands squadron base of Antigua. Phillip's arrival and first sighting of slaves filled him with horror. He determined to work against this atrocious trade for the rest of his life, which he did, being one of the spearheads of the anti-slavery movement.

As Professor Deryk Schroeder, the chancellor of the University of Western Sydney, said in a lecture to the Arthur Phillip Society 'Phillip was not only a spearhead of the British Empire but of the anti-slavery movement as well'. His first law at Botany Bay on 18 January 1788 was 'There will never be slavery in this land. Where there are no slaves, there will be no slavery'.

In March 1762 Phillip again had to serve under a commander, Captain James Campbell, who because of his lack of action in the siege of Havana, Cuba, was court-martialled and dismissed. HMS *Stirling Castle* was sunk in Havana harbour and the crew, including Phillip, sailed under very difficult circumstances. They captured the Spanish galleon *Infanta*. The Spanish prize ships being taken to England struck terrible storms and gale-like winds, and some 12 ships were lost, although the crews were saved.

Arthur Phillip was promoted to full lieutenant and participated in the prize money from *Infanta*, receiving 234 013 shillings. England was now at peace with both France and Spain, and two-thirds of the serving crews of the Royal Navy went onto half pay, with no ships in which to serve.

The third colonial war had broken out between Spain and Portugal in South America; it was the third war in the fight over the line of Tordesillas. Portugal requested that officers from the Royal Navy join its navy. Phillip was invited to visit His Excellency, and Phillip stated his requirements to enter the Portuguese navy — that is why I referred to both treaties at the beginning of my contribution.

He asked, firstly, that he should be given the same pay as other foreign officers were normally paid while on active service; secondly, that when or if he was placed on the retired list, he would be granted half pay; and thirdly, that on being accepted by the Portuguese navy he would be given the rank of captain.

Phillip wasted no time while he was waiting for the vessel *Pilar* to be turned into a fighting ship. He perfected his Portuguese, he attended scientific meetings at the palace of the Viceroy, made a thorough navigation of Rio harbour and documented it. In the superb natural history museum in Rio there is an outstanding collection of Phillip's drawings and navigational maps of the coast of Brazil, the River Plate and Argentina.

Pilar was finally ready for service and sailed in August. On board were a number of army guard reinforcements for Colonia, Uruguay, and a small number of convicts. Four days out from Rio some of his officers and crew became ill, and he was left with insufficient crew to enter the River Plate, as those who come from that region know only too well. He asked for help from the soldiers, who refused, saying it was not their duty. Having convicts on board was a first experience for Phillip, but he had no choice except to ask for their help, offering to any who did so that he would intercede for them in later years. They agreed, and the *Pilar* arrived safely at Colonia, Uruguay, but not before another quite extraordinary accident, which was of great importance on his arrival at Botany Bay.

During the long hours of duty taking the ship through the difficult entrance to the River Plate in Uruguay and Argentina he was hit in the face with a heavy piece of tackle and had his front eye tooth smashed. To the Australian Aboriginals at Botany Bay in the Port Jackson area the removal of the front eye tooth is part of the initiation rites. On his arrival at Botany Bay Phillip was greeted as having been initiated into the white man's tribe. The Aboriginals understood that that initiation had in fact taken place at Botany Bay. Historians tell us that it in fact happened at Colonia, Uruguay, the place of my birth.

True to his word, Phillip made the suggestion to the viceroy and then to the Portuguese government that convicts in out of the way places who proved to be trustworthy should be given land grants at the end of their sentences. Portugal was the first country to allow land grants to convicts, and Phillip was the first man to suggest they be given a new start in life. Colonia, Uruguay, is now Colonia del Sacramento, and the Uruguayans are proud that their country has the life of Captain Arthur Phillip as part of their history.

Originally Colonia was an isolated Portuguese outpost on the River Plate. It is 24 miles across that river from the great city of Buenos Aires, and at that time the outpost area was surrounded by superior Spanish forces. For eight months Phillip's tiny *Pilar*, a vessel the size of a Manly ferry, was the sole means of defence for the outpost and was responsible for law and order. It was at this isolated fort that Phillip developed the strength, fortitude and purpose that was to characterise his later governorship of New South Wales. He gained experience and no small reputation for his handling of convicts justly and fairly.

As I understand it, Arthur Phillip was an environmentalist. He used the land in very creative ways. He believed in granting the people of the time big parcels of land so that they could not only produce for themselves and their families but also grow the economy. He was an unusual man. He divorced a very wealthy Englishwoman. He believed her wealth did not belong to him and consequently gave it back to her. Those of us who have read a little bit of the history of the time would understand that in the past once a woman, wealthy or otherwise, married a man her wealth, including any land assets, became part of the man's wealth, yet Phillip believed in giving that wealth back to his wife.

Phillip was also actively involved in the anti-slavery movement. He campaigned throughout the world during his many travels, and I can assure you that much of his work is appreciated, particularly in places like Brazil, Uruguay and Argentina, which of course are places that were involved in the slave trade. Arthur Phillip is well known in those countries and his work is well recognised in the museums of Rio de Janeiro. Some of his work is also properly recognised in the town of Colonia in Uruguay.

I grieve today because I have found Admiral Arthur Phillip, or Captain Arthur Phillip as we best know him, to be an interesting person in the history of Australia and because the calibre of the man and the achievements of his life have not been properly recognised. He did interesting and good work, and that

has been recognised in other parts of the world. However, his work has yet to be recognised in his country of birth, England, and his life has not been properly acknowledged and recognised in his adopted land, Australia.

Drought: regional and rural Victoria

Mr BAILLIEU (Leader of the Opposition) — I grieve for the plight of country Victorians struggling from the drought, particularly the communities north of the Great Dividing Range from east to west. These are the communities of the Goulburn-Murray region that have endured the challenges of three successive years of soul-destroying drought in a decade dominated by the issue of water. I also grieve in the face of a growing disconnection between country and metropolitan communities that has evolved in that time in the hope that the stories of country Victorians will resonate with metropolitan Melburnians in an unprecedented way.

Our food bowl is our heritage. Our agricultural resources have been at the heart of our competitive strengths for decades, and it all starts on the farm. As I have said before, primary industries are, as their name implies, of primary importance. It is too easy for those of us in Melbourne to assume the productivity of our rural communities. The milk does not come from the fridge, the meat does not come from the butcher and the bread does not come from the supermarket. But it is not that Melburnians do not care about the impact of the drought; it is more the case that Melburnians are simply unaware of the depth of that impact. The difficulties that these communities face are simply horrendous. Yes, the stories are being told, but too often those stories are being told to country media and country outlets, which in turn only retell those stories predominantly to country communities. When Melburnians do become aware, they care deeply.

It is interesting that we see just that every time we face the nightmare of a bushfire. We see that the photos are dramatic, the stories are heartbreaking and the media coverage often blankets the state as closely as the smoke does — and Melburnians and the other Victorians respond with a generosity of spirit and support as quickly and as sincerely as happens anywhere in the world. We pride ourselves on it. But drought is an even more insidious phenomenon. It creeps up, it takes time. The footage is different and the photographs are less animated. In the face of a bushfire communities pack up and run for their lives, but they return after and rebuild. In the face of a drought communities stay and fight for their livelihoods, sometimes to the bitter end.

I have had the opportunity on a number of occasions in recent years to visit communities north of the Divide. We have met with families, councils and farmers. We have sat at a table with a family set to sell or shoot their prize herd and walk away from the farm. We have listened to stories of communities under unprecedented pressure. We have learnt before of the hardship, and we have seen it firsthand. We have welcomed the exceptional circumstances announcements. We have encouraged state-based drought support packages. We have urged earlier provision of that support. We have urged city communities to link with country communities.

In that regard I want to mention a program in my own council area, the Boroondara Cares program. It was established after a relationship built between a former mayor of the Shire of Moira, Frank Malcolm, and a former mayor of the City of Boroondara, Philip Healey. They facilitated the gathering of Rotary clubs to mutually support those communities by working on the ground, exchanging, sharing and helping; not substituting for or undermining local businesses but supporting those businesses and the families that run them. The effort is not bogged down with bureaucracy; those involved deal directly with families and children at a personal level. It has been successful. It is regarded well, particularly in the Moira shire. I know other communities are seeking to do likewise, and they would do well to look to the Boroondara Cares program as an example.

Last week with the Deputy Leader of The Nationals and member for Swan Hill, and with the assistance of the members for Shepparton, Rodney, Mildura and Lowan and a member for Northern Victoria Region in the Council, Wendy Lovell, I visited regions north of the Divide and in the west from Shepparton to Horsham, the heart of the Goulburn-Murray.

What we heard about predominantly was a lack of water, a lack of certainty and rising costs for farm inputs such as fuel, fertiliser, labour, insurance, compliance and occupational health and safety. We heard about the social impact on families, children, the community and even wider impacts than that. We heard of the courage involved in the continuing need for investment and borrowings and the incredible commitment to farm efficiencies by farmers and food producers. We heard about the use of technology and the attempts to advance efficiencies on farms. We heard about and certainly observed the pride of farmers and communities in what they are doing. But there is also incredible frustration and a growing sense of disconnection from government and metropolitan

communities, and that is something that needs to be addressed.

We visited the stone fruit growers in Mooroopna, and John Wilson of Fruit Growers Victoria and other orchardists joined us in a visit to the orchard of Ross and Lynn Costa at Toolamba. In recent years they have endured hail, frost and overwhelmingly the drought. They have invested in everything they could possibly invest in — hail cannons, frost fans — and have done so at enormous expense. They nevertheless face limited water supply, fixed fees for allocations for water undelivered, uncertainty and rising personal debt, and they have had their views about various projects misrepresented by the government. These food producers are not only struggling with the drought, they are also struggling with the tearing out of trees and orchards. Many orchardists are abandoning their crops. There is an ever-increasing hectarage of abandoned crops. In October the total hectares abandoned increased to over 160 across all varieties — apple, apricot, peach and pear. That has been well documented by Fruit Growers Victoria, as has been the removal of those permanent plantings. All of this has led to huge pressure on families in those areas.

We met with dairy farmers at the Kyabram dairy discussion group. Some 15 to 20 dairy farmers, including John McCready and Janice Thomas, joined us, along with councillors and development officers from the local shires. They are different farms, but the farmers have similar problems. Clearly a lack of water is at the heart of them. Low yields of grain are leading to a lack of feed, and there are rising input costs. The recent United Dairyfarmers of Victoria submission suggested an annual increase of some $300 000 just to maintain a herd.

There is a huge impact on families and communities. Stories of quite extraordinary personal hardship were reported to us, including rising and 'huge levels of domestic violence'. There is a loss of families to communities and a loss of community groups, leading to 'fewer people in the community having to do more' as a consequence. There is an increasing need for counsellors and there is a shortage of professionals, including doctors, in these areas. Children are effectively being disconnected from what is in their own basic interests, where their educational needs are playing second fiddle to the family farm. The talk was of people 'frustrated, disempowered and not informed' by government. There is a 'big dark cloud' over the community, and unfortunately it is not a rain cloud. These communities are tired of being blamed for not being efficient or not using water wisely. They are doing their absolute best with what they have. There is deep cynicism and mistrust.

The closure of the dairy research centre at Kyabram by the Department of Primary Industries was just another unfortunate message from this government and was described as 'demoralising'. People said, 'We are down on our knees and they want to chop us down further'. It could not have come at a worse time. Similarly, the north–south pipeline taking water from this region was described as 'lunacy'. The failure to provide genuine long-term extension funding for counsellors was another highlight. There is a need for family support and support for tertiary education displacement and a greater flexibility in the use of the $20 000 irrigation grant so it can be committed to other projects. Recognition of the conditions of the $3000 productivity grant prevented the take-up of that grant. Greater, not less, assistance is needed with support for fixed fees. There is a need for honesty and transparency in the way government deals with these communities. There is a great feeling that there is a need for recognition by government and the broader community of the role these farming communities play.

In Swan Hill again we met with a wide range of stone fruit producers and wine grape growers, including established growers like Tony and Gaye Tripodi, along with many others. Again their great concern was security of water. Low allocations are crippling their capacity to grow, to invest and to capture the next generation of farmers, and they have a shortage of labour for pickers. They are still, to a man, staggered by the north–south pipeline proposal, and they have a particular concern about the conduct of water trading and the lack of transparency and apparent price manipulation in online trading arrangements. These are committed, passionate and proud growers, but they are incredibly frustrated at the lack of support for the region and the industry. They have similar needs to other farming groups, and they have particular concerns, like the 4 per cent cap being retained.

We also met with the Swan Hill young professionals group, which was established last year. It is a constructive, aspiring group which is committed to the region, has a good understanding of the problems and is determined to be part of the future and to lead. I congratulate the group's president. They too, however, recognise the problems that surround them.

The vegetable growers are the same. Many of the smaller growers in the region have buckled under the pressure in the last few years; others have hung tough. Lamattina's at Wemen, west of Robinvale, is a big operation. It is run by the very experienced Rocky

Lamattina and his family. They have made a long-term commitment to the industry. Theirs is an impressive and substantial undertaking, which grows some 25 to 30 per cent of the carrots consumed on the eastern seaboard, employing over 70 full-time staff and running a significant transport operation. They are also fighting the uncertainty of water allocations, rising and unpredictable water prices and soaring input costs, including power. Like others, they are not whingeing but are incredibly frustrated.

The table grape growers of Robinvale are also incredibly frustrated. We met with a number of them in an area responsible for producing nearly 80 per cent of Australia's table grapes. They are confident they have the right people and the right location. There is no place for restructuring in their industry; they have got that right. They have the self-confidence to keep investing in their industry, even in the most challenging times. In their view there is little more they can do to improve their infrastructure. They have had a closed irrigation system, now pressurised, for many years. They too share and indeed show their frustrations. Crops that flourish do so only on the back of expensive temporary water purchases and rising bank debts. Those crops stand side by side with more meagre vines crippled by lack of water allocation and funds to supplement water purchases. It is a high-risk business, and the concerns expressed by other communities are shared by the table grape growers as well as the wheat farmers and croppers whom we spent time with.

We spent time also with the wheat farmers of the north-west, in particular the Birchip Cropping Group, a group not unfamiliar to the Premier, who has also met with it. It is a group of self-reliant, committed farmers, working together to maintain and support their own farms and their own communities. They are proud and determined, but they talk matter-of-factly of huge challenges and the reality of five drought years out of the last seven, of an unprecedented three droughts in a row, of crops yielding barely 20 per cent of expectations from just a few months ago, and again of rising inputs — fuel, fertiliser, transport — and huge borrowing costs. This is well documented in the group's own research paper from May of this year entitled *Critical Breaking Point? — The Effects of Drought and Other Pressures on Farming Families*. Calls to the local food bank, which previously averaged 87, have increased to more than 380 in just a few months.

But things are getting worse, not better. What was going to be a $1 billion crop is now estimated to be a $200 million crop. If you take $800 million out of that region there will be a serious issue. The contract system has left many out of pocket as they are unable to deliver contracted tonnage, and even loan requirements for next year's crops are problematic.

Those farmers know they will need financial support to plant next year's crop. They know they will need continuing support through rate relief. They know the problems are not only on the farm. They know they will need support just to keep their communities ticking. They will need support for child care, schools, hospitals, counselling — again, a forward commitment to family counselling not just for a few months — police officers and volunteer organisations. They will need their councils to keep the basics ticking, just to keep them going. As one of our farmers said to us, the objective now is 'to just maintain what we have got'. There is incredible frustration and a perception of a lack of confidence by the government in its role. We had a similar story from the TOPCROP grain-growing group in Wallup, where there was an additional frustration about the failure of governments to standardise rail.

What all these communities have in common is that in all our discussions we found the same messages being repeated. Water is the biggest issue of all. The north–south pipeline is a mistake. The social impact of the drought is as devastating as the farming impact. There is a rising cost of inputs and the approach of government is generating greater detachment. The problems of the financial crisis and the proposed emissions trading scheme will only add to the burden. Attracting and retaining the next generation of farmers is getting harder and harder but nevertheless they want to keep going. These communities want water to stay in the region. They want their governments to express confidence in their future. They want connection with metropolitan communities and they crave certainty. This is a crisis. It is a crisis of drought and a crisis of confidence and our fate is tied to the fate of country Victorians.

Liberal Party: policies

Mr NARDELLA (Melton) — Today I grieve for the Liberal Party. This is now the fifth time that I have grieved for the Liberal Party and the do-nothing coalition. As we reach the end of the year, it is interesting to review the policy positions of the Liberal Party and The Nationals. The coalition has had 12 months to develop policy. It has had a few distractions over that period of time: it has had the blogging affair, rumours, preselection rule changes, instability, people counting numbers for leadership, dealing with the defeat of the Howard Liberal federal government, and the inability to fire up its

frontbenchers to do any work. This has caused confusion within the opposition.

It is like the *Life of Brian*, the film by Monty Python in which the Boring Prophet out in the marketplace sums up this confusion very effectively when he says:

> There shall in that time be rumours of things going astray, erm, and there shall be a great confusion as to where things really are, and nobody will really know where lieth those little things with the sort of raffia-work base, that has an attachment. At that time, a friend shall lose his friend's hammer, and the young shall not know where lieth the things possessed by their fathers that their fathers put there only just the night before, about 8 o'clock.

And so confusion reigns, just as it did in the time of the prophet — and it has reigned supreme within the opposition. People cannot make out what is being said by the opposition because it is lazy and it does nothing. Opposition members are squandering their time on the other side of the house.

There are two hard workers on the opposition side. One is the Deputy Leader of the Opposition, the honourable member for Brighton, to whom I listen quite assiduously and I take seriously the work and effort she puts in in this house. There is also another member of Parliament on the other side of the house who also works assiduously and does his homework — and that is the honourable member for South-West Coast.

Mr O'Brien — Another good member!

Mr NARDELLA — Absolutely! They are two good members. How many members are on the front bench for the opposition? There are 18 members, and of the 18 it only has 2 members who do any work and who have my respect. But there is confusion regardless of this hard work.

The member for Brighton puts in all the time and this was evident in the recent backflip that occurred about the north–south pipeline. Developing policy is really hard because it requires thinking, research, consultation and it requires determining the effects of the decisions that one makes, but none of these simple steps were taken by either the member for Brighton or the member for Swan Hill. Both those members are in the shadow cabinet and both are shadow ministers for water. How do you work that out? I do not know how to work that out, but they have obviously done that split in one way or the other; one being the shadow Minister for Water for metropolitan matters and the other one being the shadow Minister for Water for rural matters.

What did the member for Swan Hill say on 19 September on *Stateline* about the coalition's new policy? For the benefit of honourable members, I will quote this interview. Josephine Cafagna's question was:

> Can you guarantee now that you won't backflip on this, either just before the election or even after the election, particularly if Melbourne faces severe water shortages?

To which the member for Swan Hill replied:

> There are options for Melbourne within its own catchment that we believe will supply the future water needs of Melbourne and we will not be back flipping.

Mr Walsh interjected.

Mr NARDELLA — That is correct. The honourable member for Swan Hill has just interjected and said, 'That is correct'. It is correct that he said that on *Stateline*. We have a situation where the honourable member for Brighton said on 18 September:

> The Liberals will not take water from the pipeline.

But then, five days later, after all the ruckus that was occurring and under the spotlight from irrigators, farmers, the Victorian Farmers Federation and critical analysis by others of this policy decision — members should remember that we are analysing the policy of the last 12 months — the opposition backflipped. The backflip occurred on 23 September. Under the headline 'Coalition U-turns on pipeline', an *Age* article says:

> There needs to be a transitional … plan until our projects come on line.

That was said by the honourable member for Brighton. She said it would be used as an insurance policy for 'critical human needs'.

In the *Weekly Times* of 24 September — this is a bush person's bible, it goes out to all farmers — the honourable member for Swan Hill was quoted as saying:

> But if the pipe is built, it should be for critical needs …

Remember that the Liberal Party and The Nationals came out strongly saying that no water would flow down the north–south pipeline. Plug the Pipe was disappointed with this backflip. The Nationals still have their heads in the sand. Unfortunately they are even lazier than the Liberals. Also in the *Weekly Times* of 24 September the Leader of The Nationals is reported as saying about the north–south pipeline:

> I will never concede that it's going to be built … and therefore any commentary about its future is utterly hypothetical …

The Leader of The Nationals was in denial about this pipeline ever being built. That was in May of this year.

But the business community slammed the decision and The Nationals and the Liberal Party backflipped on it.

An article at page 16 of the *Weekly Times* of 24 September says some things about the coalition, especially about The Nationals — and it is very prophetic about The Nationals policy. It says that Plug the Pipe showed its bias by not criticising the backflip. That is very interesting because of Liberal Party leaders like Mike Dalmau and others; that has been exposed before. The Nationals have their grubby little fingers in that organisation as well — —

Honourable members interjecting.

Mr NARDELLA — It is true. The honourable member for Benalla protests too much, because his office has obviously been involved in that. The article also says:

> The key question now is, will The Nationals make a stand?
>
> The answer is no.
>
> It seems old habits die hard when it comes to The Nationals in coalition with the Liberals.

As happened under Kennett:

> … The Nationals once again are being forced into an embarrassing compromise.

That is the position Nationals had in their seven long, dark years as part of the Kennett government. This is the policy position that shows the gutlessness of The Nationals — both now while it is in opposition and if it ever returns to government in the future. These backflips and inconsistencies are commonplace, because members of The Nationals are lazy, undisciplined and do nothing.

Let us talk about the desalination plant. Those on the other side of the house claim it was their idea and policy to provide 50 gigalitres of water through desalination. They were going to put the plant in Port Phillip Bay. They did not say where in Port Phillip Bay they were going to put it, but they were going to put it there. But now they oppose — and especially the honourable member for Bass opposes — the 150-gigalitre plant near Wonthaggi. They oppose the regional rail upgrade. The policy under Kennett was to close six country rail lines. The Nationals stood mute when the rail lines to Ararat, Mildura, Bairnsdale and other places were closed and would not support the regional rail upgrade.

When the official Liberal Party position was that it sort of supported bay dredging, the current member for Mornington opposed it. He was in bed with Blue Wedges and was supportive of people like Jenny Wharf. A new dam for Victoria is proposed as an alternative to government policy by the Liberal Party. But the Liberals will not tell us where it is going to put the dam. Is it in the Otways? Is it on the Mitchell River in Gippsland? Is it about flooding Licola or about Ralph Barraclough? The Liberal Party cannot do the hard work, and it is being caught out constantly.

Where does the opposition go from here? I again refer and extend my apologies to Monty Python for the version of a scene from *Life of Brian* I am about to embark on. In a shadow cabinet meeting in a dark room hidden away from everyone, over the next two years a plan is being hatched. The leader is Reg — it could be the Leader of the Opposition — and there are other characters like Loretta, Xerxes, Matthias and some commandos. The discussion starts with Reg:

> REG: Yeah. All right, Stan. Don't labour the point. And what have they ever given us in return?
>
> XERXES: The desal plant.
>
> REG: What?
>
> XERXES: The desal plant.
>
> REG: Oh. Yeah, yeah. They did give us that. Uh, that's true. Yeah.
>
> COMMANDO 3: And pride in Victoria.
>
> LORETTA: Oh, yeah, pride in Victoria, Reg. Remember what the city used to be like.
>
> REG: Yeah. All right. I'll grant you pride in Victoria and the desal plant are things that the Labor government has done.
>
> MATTHIAS: And the roads! EastLink, Deer Park bypass, Monash upgrade.
>
> REG: Well, yeah. Obviously the roads. I mean, the roads go without saying, don't they? But apart from the pride, desal plant and roads, what have they have ever given us?
>
> COMMANDO: Irrigation upgrades.
>
> XERXES: More nurses.
>
> COMMANDO 2: More teachers.
>
> REG: Yeah, yeah. All right. Fair enough.
>
> COMMANDO 1: And the extra 1400 police.
>
> COMMANDOS: Oh, yes. Yeah — —
>
> FRANCIS: Yeah. Yeah, that's something we'd really miss, Reg, if they left.
>
> COMMANDO: A surplus budget.
>
> LORETTA: And it's safe to walk in the streets at night now, Reg.

> FRANCIS: Yeah, they certainly know how to keep order. Let's face it. They're the only ones who could in a place like this!
>
> COMMANDOS: Heh, heh.

So they are all laughing:

> REG: But apart from pride, more nurses, better education, more police, public order, the desal plant, roads, irrigation upgrades, more teachers, what else has the Labor government done for us?
>
> XERXES: Brought us stability and great government.
>
> REG: Oh please shut up!

That is where the opposition is in developing policy over the next two years.

Regional and rural Victoria: government performance

Mr RYAN (Leader of The Nationals) — I grieve today for country Victorians. I do so in circumstances where country communities are being robbed of funding support which has been promised to them by the Brumby government. I make the point at the start that this is the fault of Premier Brumby and his government; it is no-one else's fault. This lies squarely at the feet of particularly the Premier and his government at large.

I refer members to the Public Accounts and Estimates Committee (PAEC) report on the 2008–09 budget, which was tabled recently in this chamber. I refer members particularly to chapter 8 of that report, pages 101 to 128. It is 27 pages of compelling reading for all of us who have at heart the interests of country Victorians. Until I read the material in this document, I would have hoped that my 'all of us' was all members of this chamber, but clearly it is not something that attaches to the government members, most particularly to the Premier.

I emphasise this is a report from an all-party parliamentary committee, the Public Accounts and Estimates Committee. There are key findings that have led to three recommendations, and I want to refer to them particularly. In paragraph 8.8 of the key findings on page 101 there appears the following commentary.

> The committee remains of the view that the budget papers should show a more comprehensive picture of funding to regional and rural Victoria including, where possible, by region.

It goes on to say:

> … the committee believes that it is now timely for the preparation of a specific budget paper on regional and rural Victoria as from 2009–10.

That led to a recommendation which appears as no.13 at page 110 of this document. Recommendation 13 recites:

> From 2009–10, a new budget paper providing a comprehensive overview of the state government programs and initiatives, for regional and rural Victoria, be provided.

The second of the key findings to which I want to refer appears in paragraph 8.9 at page 102. In part it says:

> The government indicated that the main reasons for the variance were due to annual variations for the Regional Development Fund in 2008–09 consistent with its budget funding profile, and —

and I emphasise —

> cessation of funding for drought initiatives.

That led to a further recommendation that appears at page 121 of this report. Recommendation 14 says:

> The Department of Treasury and Finance monitor weather patterns and ground conditions and determine any required additional budgetary measures for drought relief. Commitments should be detailed in the budget update.

The third key finding I refer to appears at paragraph 8.12 on page 112. It says in part:

> The government has approved $585 million in funding to the Regional Infrastructure Development Fund (RIDF) from 2000–01 to 2009–10. At 20 May 2008, the government had announced $399.9 million for 172 major projects. In terms of actual expenditure, the RIDF had contributed $272 million towards 105 infrastructure projects …

It goes on to say, and I emphasise these words:

> To ensure that the total of the approved funding for the RIDF is to be utilised in the required time frame, the committee believes that the government will need to accelerate the number of infrastructure projects planned and commenced for provincial Victoria over the next two years to 2009–10.

That has translated into a further recommendation 15, on page 122, which says:

> To ensure that the approved allocation of funding to the Regional Infrastructure Development Fund is fully committed and spent in a timely manner, the government will need to accelerate the number of announced projects over the next two years.

Those are the words of the all-party parliamentary Public Accounts and Estimates Committee. Let us take them in order. The first thing to be said insofar as the first issue is concerned is with regard to reporting. The

bottom line is that the reporting by the government in relation to these programs is absolutely hopeless. We have not seen anything from the government since the documentation was lodged with the committee on 31 March this year. We do not know how much money has actually been expended. That is an appalling state of affairs.

The government must advertise its wares in this regard. It should have on its website a continuous update as to what money is actually being expended. We need to see that country communities are actually getting outcomes, because the people who live in the country are practical by nature. They do not just want to hear about one-line allocations made by the government years ago. They want to know about the results that are being achieved.

The further point on this is that the PAEC made recommendations last year about this very issue. Nothing has been done in practical terms to accommodate it. The reporting mechanisms at the moment are pathetic, and the government has to do better. I might also say that the Auditor-General has had plenty to say about this in previous reports, and those commentaries appear at page 124 of this same document to which I have referred. The bottom line is that the government has to do much better.

The second point concerns the drought forecasts that underpin the second issue to which I have referred. The government got it wrong. It must be said in fairness that it had advice at the time, particularly from the Australian Bureau of Agricultural and Resource Economics, but the bottom line is the government got it wrong. The Premier's evidence before the committee demonstrates the reliance of he and his government upon what ABARE was telling them but the practical fact is that, unlike those forecasts, it has not rained in winter, and it has not rained in spring. The growth rates which are set out at page 120 of this report are 3.25 per cent for 2007–08 and then 3 per cent for 2008–09.

I want to know from the government what are its forecasts now for growth rates, particularly in country Victoria. I ask that question rhetorically in the context of what ABARE is now saying, because the ABARE point of view has changed radically. ABARE produced a report on Monday this week entitled *An Economic Survey of Irrigation Farms in the Murray–Darling Basin*, and I want to refer specifically to some of the items from it. The report was done after a survey of 900 irrigation farms across 10 regions in the Murray–Darling Basin, including the Murray, Goulburn-Broken and Loddon-Avoca areas.

What it says in part is this: in the Goulburn-Broken region dairy farmers are suffering the worst. Their debt has increased by an average of $114 929 over 2006–07 alone. They also recorded an average deficit of $82 000-plus for the year. It says the region's horticulturalists are also carrying an average of almost $790 000 in debt.

It is a huge amount when you compare it with other areas. That debt increased by an average of $42 000-plus over the 2006–07 year. It says that 58 per cent of dairy farmers and 39 per cent of broadacre farmers in the region said they could not buy water because the price was too high. It says that in the Goulburn-Broken region broadacre farms have the lowest average rate of return compared with other farmers in other areas of the survey.

In terms of farmers' intentions, it says that 15 per cent of horticulturalists and 13 per cent of dairy farmers in the Murray–Darling Basin intended to either retire or sell their farms in the next three years. And there is a welter of other information which is telling the Premier and his government that the fundamentals upon which this budget was constructed have changed radically, and the government has been too slow to react to it. The government needs to update the way in which it views this, because the decisions it made around the forecast at the time have been proven to be based on facts which have transpired to be absolutely different from those that were anticipated.

That is the second element to which I refer. The associated issue in all of this is that when you have regard to those figures, no-one ought to have any doubt as to the impact of the folly of this north–south pipeline upon the thinking of the people who are caught in this terrible state of affairs. This dreadful proposition — that this government swore it would never develop going into the last election — continues to be an enormous burden for the people in that region. And so it is. We need to make sure that the point of view that is referred to by those people, and is reflected in the course of those reports, is constantly referred to in this Parliament.

Ms Morand interjected.

Mr RYAN — The Minister for Children and Early Childhood Development can whinge about it, she who sits now at the table; that is a matter for her. She can shake her head and treat it as a joke; that too is a matter for her. I can tell her, and the Premier in particular, that the people north of the Great Dividing Range who are subject to this piece of public policy stupidity should know better, and that is being reflected in the way in

which these people are viewing their lives at the moment.

The third element and worst element is the underspend to which the committee has referred in the different programs. This is misleading, verging on deceitful on the part of the government. There are three elements of it in turn that I want to touch upon.

The Regional Infrastructure Development Fund was funded to the extent of $585 million over 10 years back in 1999. In the documents to which I have referred, and which have recently been tabled in the Parliament, there are announcements of $400 million in relation to projects. But the actual spend is $272 million as at 31 March this year. Country Victoria has been dudded to the tune of $300 million. That is not my comment: that is the committee's comment.

Ms Morand interjected.

Mr RYAN — The committee of the Parliament, chaired by the Labor Party, has made the observation in the course of this report to which the minister now doth protest too much, that this government has to accelerate its programs. That is what the committee of this Parliament has said, and it is absolutely right. When you look at the numbers to which I have just referred, it is palpably obvious the government is going to be caught short in this. It is going to leave the money sitting in the Treasury if the government has its way, and country Victorians want to see that money spent.

The second element of this underspend is to do with the Provincial Victoria Growth Fund. This was announced with much fanfare on 14 November 2005 by the former Premier, Mr Bracks, in company with Mr Brumby — $100 million over five years was to be the spend, but the figures tell a different story.

In 2005–06 the forward estimates in the budget papers said $6.5 million would be spent; the actual figure spent that year was just over $3 million. In 2006–07 the forward estimates in the budget papers said the spend would be $18.5 million; in fact it was just over $11 million. In 2007–08 the forward estimates in the budget papers said there would be $25 million; in fact the spend is $14.3 million. It means that over the three years so far, only $28 million of the $50 million allocated has actually been spent.

In addition to that, when you analyse the figures, 40 per cent of that spend has been to other government departments. The government has paid 40 per cent of that $28 million into government departments. We do not know, as I stand here now, what that is for, because the particulars of that do not appear in the documents. We have lodged an FOI and many would wish us good luck as to the outcome. But when we get those documents, hopefully we will know where that money has actually gone or for what purposes within the respective departments it has been used. They may be very good purposes but the government should publish this information.

The other issue that I want to refer to is the third element of this point — that is, the Small Towns Development Fund. As we saw yesterday when I put the question to the minister, the government allocated $5 million to this fund in 2006–07. As at March this year it had spent $245 000, and approximately $4.7 million — about 95 per cent of the funding that was allocated — remained unspent. The minister says it is an issue to do with a time lag. I understand how these things work. It is legitimate to say time lags are a component of the way these funding programs run, but not to anywhere near the extent of leaving 95 per cent of the money unspent.

The committee referred to this in the report, saying the Small Towns Development Fund is for communities with populations of up to 10 000. Victoria has only about 25 towns with a population greater than 10 000. I looked at the guidelines as to how these funds should be distributed. We have many projects — pathway projects, innovative water projects, heritage projects and so on — that would qualify for funding under those guidelines. Communities are screaming for the money to be expended amongst their number. The government must spend this money. The ministerial response is completely inadequate, and I call on the Premier to do something about this, because it lies at his feet.

The funds could be spent on different things. If the Small Towns Development Fund does not have enough projects — and I cannot believe that is so — it should beat the bushes, advertise its wares and tell people that the money is available. This should be given the priority to which the Premier has referred in the past and on which he is now failing to act. As a matter of public policy this money has to be spent. It is for drought relief, and it should be spent now. The time for the government to act is now.

We heard the Leader of the Opposition provide a summary of his recent trip. I was to go on that trip, but because of intervening circumstances I could not go. However, I roam this state like a homeless gypsy, and I know people are in trouble. Now is the time we need these programs to be given effect to, because it is now that cattle are dying, crops are failing and debts are mounting. It is also at this time that the business sector is staggering under the weight of all this. It is affecting

small business in particular but big business is not being spared either. People were promised funding to redress these problems, and the government must now live up to those promises.

Members should remember that we are talking about helping families over the hump. We are talking about some of the most innovative people in the state of Victoria, who do great things selling products into often corrupted markets. We are talking about supporting them when they most need it. That is what this is about. No-one is banking money out of this. We are talking about a government living up to its promises and helping these people. It is at the Premier's feet that the responsibility for this lies.

Women: political representation

Ms MORAND (Minister for Women's Affairs) — Today I grieve for the paucity of women who have graced the Victorian Parliament over the past 100 years. This year Victoria is celebrating the centenary of women's suffrage, and next Tuesday, 18 November, it will be 100 years to the day since Victorian women were granted suffrage. One hundred years ago the suffragettes were real trailblazers, and many of them were considered radical freethinkers for demanding the right to vote and to participate in politics on equal terms with men. They were very much motivated by social justice issues, particularly those that affected women and children. They wanted the franchise as a means to an end, not as an end in itself. They were faced with the incredibly hostile and outrageous attitudes towards women that existed at the time. Reasons for not giving women the vote included that women did not want it, that women were better off in the home, that children would be neglected, that women were unfit to vote, that women were too easily led, that it was not in men's interests and that women should be revered and remain uncontaminated by politics.

A look at *Hansard* shows some truly ignorant and stupid contributions to the debate on women's suffrage. Frank Madden said in this place that women, if given suffrage, would abolish:

> … soldiers and war … racing, hunting, football, cricket and all such manly games.

Mr Henry Wrixon asked in 1898:

> How can you give women equal political rights with men, and, at the same time, preserve the unity of the home as we have known it …

Mr Cooke, MLC, said in 1898:

> No man could stand being dictated to by the women of the country.

I conclude with one quote from a rather churlish member of this house, Mr Gaunson, who, when talking about women who wanted the franchise coming to see him, said:

> I say to them, 'Get out; cook a chop, and learn to dress your baby if you have one'.

Wouldn't we all have liked to meet Mr Gaunson!

Campaigners fought against such attitudes, and the first suffrage bill was introduced in this chamber in 1889. However, it took another 20 years and 19 private members bills before the battle was finally won in November 1908. It took many more decades before the first woman was elected to Parliament. We had Millie Peacock in 1933. Ivy Weber was the first woman elected at a general election in 1937. Fanny Brownbill, a Labor member, was elected as member for Geelong in 1938. She served in Parliament for 10 years, but for 5 of those years she served as the only woman member, and when she left the Parliament in 1948 it was almost another 20 years before another woman was elected to Parliament. In 1977, when Pauline Toner was elected — and she went on to become the first female cabinet minister — there had only been five previous female MPs. Joan Kirner was the first and only woman to become Premier of Victoria, and she took office in 1990.

I was informed by the parliamentary library that in the 150 years of the Victorian Parliament, 1658 men have been elected and just 95 women. However, it was clarified for me that the figure is only 89 and not 95 because some of those women were counted twice, having served in the Legislative Council and the Legislative Assembly. I am very proud that of the 89 women elected to this Parliament, more than half have been Labor women. Of these women, 57 were Labor members, 26 were Liberals, 1 was from The Nationals, 2 were Greens, 2 were Independents and 1 was a member of the United Australia Party. That is a total of 89 women who have walked these corridors over the past 150 years compared with 1658 individual men. Today we have 39 women in Parliament. Of the women who have ever sat in this Parliament, 44 per cent are sitting in the chambers right now. It is staggering how few women have been elected to this Parliament.

What is also really sad about the statistics — and I am glad the member for Shepparton has joined us — is that

only one of those women over the past 150 years has been from The Nationals, formerly the Country Party. It took until 1996 for a woman's voice to be considered relevant to The Nationals. I grieve that in 2008 the member for Shepparton, Jeannette Powell, remains the only woman ever to have been elected to represent The Nationals in this Parliament. As we are striving today for equal participation for women in all aspects of Victorian life, The Nationals have continued to hold on to an archaic, old-fashioned, old-generation view that men can represent women's views in this Parliament. Why else would it have taken so long after suffrage was granted for them to preselect a woman and for a woman to come into this chamber to represent country women? What a patronising and sexist attitude by an old-fashioned party that has taken until 1996 — it is unbelievable that it has taken it so long — to consider that there should be a woman's voice representing country Victoria.

I also grieve for the Liberal Party, the Liberal women particularly. In July this year — in 2008, the year of the centenary of women's suffrage — the Liberals put out their so-called renewal document. What a joke. What an insult to women. Over many generations women wanting preselection from the Liberal Party have faced an archaic attitude. The renewal document canvasses what people think and says that perhaps it is time to change the process to select candidates to stand for the Liberal Party and represent Liberals in the Parliament. It also canvasses whether it is perhaps time that women candidates should not be asked questions like whether they have plans to have children in the future or who will look after their children. Modern workplaces today would never dare to ask a question like that. If they did, it would be within the rights of the candidate in the interview to go to the human rights and equal opportunity commission and lodge a complaint. You cannot have an attitude towards women seeking employment that is different from your attitude towards men seeking employment — wherever it is, whether it is seeking employment in a workplace or seeking to be preselected to represent their party in this Parliament and to represent constituents.

I remind those in the chamber that women represent more than half of the Victorian population but still represent only 30 per cent of the members of Parliament, and that the Liberal Party has very few women. Where are they? Where are all the young Liberal women? If they have to face those sorts of attitudes to gain preselection, it is no wonder they are not putting themselves forward. Men are not asked these questions. The Liberal document was clear in saying that maybe it is time to reflect on how they approach women. Time? Yes, I think it is time. It is the 21st century — it is 2008 — and we are celebrating 100 years since women got the right to vote. Only now the Liberal Party is thinking, 'Maybe it is time we should think about the way we are viewing women. Maybe we should not ask these questions' — the sorts of questions that most workplaces have not asked women for a generation at least.

I also want to comment on a fact that I think reflects more on the party itself than on some members in this Parliament. There are some men in the Liberal Party in this Parliament who are socially progressive, and I single out the Leader of the Opposition, the member for Hawthorn, as one; he is a socially progressive person within the ranks of his own party. But I must say that that is a very low bar to be set. He has shown that he understands social issues — —

Mr Wells interjected.

Ms MORAND — In the Liberal Party I am talking about. He is progressive on social issues, and he was one of the few who supported abortion law reform. I have spoken about how many young Liberal women there are in the Parliament. What about at the last election? The sorts of Liberal Party members who came in at the last election in 2006 — including the member for Ferntree Gully, who has just walked into the chamber — are reminiscent of the Howard era of picket fences. They are a generation out of touch. Not one single new member who was elected voted to support the Abortion Law Reform Bill.

Ms Asher — That is not true.

Ms MORAND — Not one of the new members in the eastern suburbs — —

Honourable members interjecting.

Ms MORAND — I acknowledge the member for Mornington — there are plenty of them.

Mr Wells interjected.

Ms MORAND — There are plenty of them. There is the member for Warrandyte, the member for Ferntree Gully, the member for Kilsyth, the member for Evelyn — —

The ACTING SPEAKER (Dr Sykes) — Order! The member will speak through the Chair.

Ms MORAND — The Liberal Party is preselecting extremely conservative people. This is not just my view; it has been written up in the *Sunday Age*, which gave a profile — —

Mr Wakeling interjected.

Ms MORAND — It gave a profile of people like the member for Ferntree Gully, who is interjecting over the top of me — a typical male, I would have to say, who will not let a woman have her say.

Mr Wells interjected.

Ms MORAND — That is pretty typical of the Liberal Party.

Mr Wells interjected.

The ACTING SPEAKER (Dr Sykes) — Order! Members on both sides will speak through the Chair.

Mr Wells interjected.

Ms MORAND — Not at all.

Mr Wells — That is a very stupid thing to say.

Ms MORAND — Now the member for Scoresby is telling me I am stupid.

The ACTING SPEAKER (Dr Sykes) — Order! Through the Chair! The member for Scoresby!

Ms MORAND — That is reflective of the Liberal Party, is it?

Mr Wells — Do you want me to call a point of order?

Ms MORAND — I am not — —

Mr Wells — Do you want me to call a point of order?

Ms MORAND — Do you see what I am saying, Acting Speaker? He is trying to speak over me while I am addressing the chamber on issues about women. That is absolutely reflective of this attitude. I repeat that eastern suburbs MPs who were elected at the last election are from the last generation.

I will speak about the council elections coming up. Unfortunately only 30 per cent of members of councils across Victoria are women. The statistics that apply in the Victorian Parliament are reflected in the councils. Sadly some councils today do not have female representation. From looking at the people who have nominated for the council elections to be held later this month I see that for some councils in rural and regional Victoria no women have put themselves forward. It is really unfortunate and sad that going into the future in this 21st century there will be councils where there will be no voices for women, particularly in rural and regional Victoria. I grieve for the communities and for the councils that will have to move forward and make decisions on behalf of their communities with only the voice of the community at the table, as they will have no women representing the community there.

Beyond Parliament a great change has occurred for women in other aspects of their lives. One of the greatest changes that has occurred is with women's participation in the paid workforce. Women are participating in the paid workforce in greater numbers than ever before. Australian Bureau of Statistics data from this year shows that 60 per cent of women aged 15 to 64 participate in the labour market; that women make up 43 per cent of the labour force; and that more than 60 per cent of mothers with dependent children are now in the paid workforce, which compares to 40 per cent in 1985. But unfortunately women continue to earn less than men for work of equal or comparable value. The ABS figures show that in May 2007 women's average weekly earnings were just 84 per cent of men's average weekly earnings.

The Labor Party recognises the inequality that women face on these issues. That is why in June the federal government asked the House of Representatives Standing Committee on Employment and Workplace Relations to inquire into and report on pay equity and associated issues related to increasing female participation in the workforce. The committee was asked to inquire into and report on the causes of any potential disadvantage in relation to women's participation in the workforce. We look forward to the outcomes of that report.

I refer to superannuation. Women are much more likely to work part time and are much more likely to work casually. They are also coming in and out of the workforce over the period of their working lives, in some cases because they are making the choice to be at home caring for their children. As a result, typically women have superannuation savings that are far lower than those of men. According to research by the Association of Superannuation Funds of Australia, a woman who is between 45 and 55 has an average super account balance of $67 000, compared to the average account balance of a man of the same age, which is $122 000.

I would also like to comment on women on boards. Many members will be familiar with statistics which have been released in the last week or so which show that women continue to be underrepresented in business, particularly in big business. A survey was done of the top Australian Securities Exchange

companies, so it was really comparing apples with apples. The latest census in 2008 showed that among the top 200 companies on the ASX today, 2 per cent of chairs are women and 2 per cent of the chief executive officers are women, and that of all the hundreds and hundreds of board members in the top 200 companies, only 8.7 per cent of directors are women. We need more women on boards. The government is trying to improve that situation by my reporting to cabinet yearly on the number of women we appoint to boards and statutory authorities. We have a goal of 40 per cent — we have achieved that and continue to achieve that. I hope it gives women the experience on statutory authorities and other government boards they need to then be considered for business boards and that more women can gain the skills and experience — which they have — to be considered for boards.

The Victorian women's register is a register of 1600 women with a vast range of skills and experiences who are ready to serve on boards in the future.

Finally, in reference to the centenary of suffrage, I want to say that great change has occurred. It has been extremely slow; it has really only been in the last generation that women have participated in this Parliament in anything like critical numbers. Change has been slow, but change has come, and I think in the future change will improve things even further.

Question agreed to.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: report 2007–08

Ms GRALEY (Narre Warren South) — I would like to make some brief comments on the Public Accounts and Estimates Committee (PAEC) annual report for 2007–08. As I have been on leave from the committee, this report was of great interest to me when I read it. At the outset I would like to thank the member for Williamstown for filling my place so well and continuing the tradition of accountability and scrutiny by a member of Parliament when participating in this important committee of the Parliament. I commend the report, because I think it continues some of the great traditions of PAEC. We must note right from the outset that while the committee is under no statutory obligation to make an annual report, the Victorian PAEC does this. Every person who participates contributes great periods of time to produce such interesting things for people to read about and to carry out the scrutiny and investigation the committee conducts. These are worthwhile things for us as MPs, for the community and especially for the general economy.

I would particularly like to commend the PAEC report for pointing out that the committee has been active in expanding its areas of scrutiny by commencing a new process for following up with government agencies the findings and recommendations of the Auditor-General. That is an important role the committee is now undertaking. I am sure it will provide increased transparency and some further interesting reading. I congratulate the staff who I know work very hard on PAEC. The chair and members would be hard pressed to produce a report of this standard without the efforts and academic rigour the staff bring to the committee and the production of the many reports it puts out for the public to see. I also commend the committee for beginning its inquiry into Victoria's public finance practices and legislation. It is a much-needed endeavour. This inquiry is to be commended, and I will watch with interest what comes from it in the future.

I have mentioned already that being a member of this committee is quite time consuming. However, I would also like to suggest that it is very worthwhile in terms of the public hearing process. We see in this and other reports the committee has produced recently the extent of the hearings and the preparedness of committee members and the members of Parliament who speak at the hearings. We see how well prepared they are and how they go out of their way to answer questions, although the Acting Speaker may sometimes think he would like some clearer answers.

I commend the Public Accounts and Estimates Committee for its work. I wish it strong applause for what it has produced. I hope the inquiry into Victoria's public finance practices and legislation, in particular, is very productive, not only for the serving members but especially for the public finances of Victoria. The public finances are very important to everybody, because they provide us with the health, education and community services that are so much needed and well regarded by community members.

Public Accounts and Estimates Committee: budget estimates 2008–09 (part 3)

Ms ASHER (Brighton) — I wish to make some comments on part 3 of the Public Accounts and Estimates Committee report on the 2008–09 budget estimates, tabled in October 2008. I have previously commented on this excellent report by the Public Accounts and Estimates Committee and have previously referred to the table at page 213, which

shows we already have budget blow-outs in the Melbourne–Geelong pipeline and a budget blow-out in the eastern treatment plant upgrade. I have indicated to the house that the figure of $300 million reported to PAEC has since blown out further, and that was reported in budget information paper 1, which goes to bolster the point I and we on this side of politics have been making for several years — that is, that this government is incapable of delivering any major projects on time and on budget. In these critical economic times I am sure you, Acting Speaker, would agree with me that it is when money is being wasted on budget blow-outs rather then being invested in critical infrastructure that the incompetence of this government actually impacts on people who reside in Victoria.

I also want to make reference to page 149 of the report, where the committee looked at the extension of concessions within the budget for water and sewerage. Everyone is aware that the government has said that over the next five years water prices in Melbourne will double. Given that this government says that it gives consideration to the needy and vulnerable, one would have thought that there would have been some commensurate raising of assistance for people on low incomes. What we saw in the last budget was a small increase in the cap on water and sewerage concessions. The report states:

> The committee noted that one of the key changes involved the provision of $42 million over four years to make water and sewerage charges more affordable to low-income earners. Under this initiative, the water and sewerage concession cap was increased by 14.8 per cent from $158.80 to $182.00 from 1 July 2008.

The committee noted that point. I note that the committee reported that it — I love this quote:

> … was interested in exploring with the Minister for Community Services why the increase in the cap is less than the expected increase in water charges of 17 per cent.

The Minister for Community Services made the following observation, which is quoted at page 150 of the PAEC report:

> At the moment it is 14.8 per cent, which is indexed. We are still waiting on the final outcome of the decision by Essential Services Commission, at which point if any further adjustments need to be made, they will be considered as part of future budget considerations.

I was very pleased to read that this is indexed and that more concessions on the cap will be considered as part of future budget considerations. I for one will be looking at next year's budget to see whether this government will honour that undertaking given to the Public Accounts and Estimates Committee. However, I make the general observation in terms of concessions for people on low incomes — this concession is available to health care card holders, pensioner concession card holders and federal Department of Veterans' Affairs card holders — that the capacity of people to minimise the component of their bill that is impacted on by consumption charges is actually very small, because there are a range of other charges, and those charges applied under our government as well, so I am not disputing that.

However, there are service charges; there is a sewerage charge that derives from the water charge on the bills; and there are a range of other charges that appear on people's water bills. Time and again we have had examples of people whose water consumption charge was just a couple of dollars, yet these people are not able to shield themselves from the overall impact of a water bill because of service charges and because of the fact that the sewerage charge is also connected to the water consumption charge.

Economic Development and Infrastructure Committee: mandatory ethanol and biofuel targets in Victoria

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to make a contribution on the report of the Economic Development and Infrastructure Committee's inquiry into mandatory ethanol and biofuel targets in Victoria. Our committee had a very interesting time examining not only the science but also the economics of improved access and improved production of biofuels in Australia. Of course, we had an obvious focus around the Victorian situation.

Internationally and nationally there is a keener focus now on renewable energy and biofuels, and our committee was able to receive evidence of what is occurring in China, South America, Europe and of course in the Australasian and Asian markets. We came up with something that was quite interesting for us. Most of us have not had an opportunity to know much about compressed natural gas and its potential to significantly contribute to Australia's fuel transport, and it is to this that I would like to address some comments here today.

Compressed natural gas is pressurised natural gas that consists primarily of methane. Natural gas is compressed at refuelling stations using natural gas from existing pipelines. Essentially the source of car refuelling with natural gas is readily available in large parts of Victoria. A key item for ensuring that natural gas is utilised more often is the availability of refuelling stations.

Why were we so interested in compressed natural gas? One of the very key reasons for us was to focus on greenhouse gas as well, of course, as on the economic issues around biofuels. We learnt that on a lifecycle emissions analysis, compressed natural gas produces less greenhouse gas emissions than unleaded petrol and second-generation liquefied petroleum gas vehicles. There are a number of items that I think the federal government, and of course the Victorian government, could benefit from examining in relation to compressed natural gas.

We have a good supply of it in Victoria, and I will try to talk about that in a moment, but what is significant about compressed natural gas for Australia is that its cost is not subject to world oil prices or foreign exchange rates, so motorists and suppliers know what to expect in terms of their fleet costs and also in terms of availability. War does not affect our access to natural gas; it is provided locally.

There is a view that because of the safety of Victoria and Australia, costs will remain relatively stable. Demand for natural gas exports has increased and that has added significantly and been of great benefit to our balance of payments. At present the use of compressed natural gas is most common in larger vehicle fleets, such as buses and forklifts. Obviously the advantage of having large vehicle fleets using compressed natural gas is that when they come back to their base, they can refuel locally, and of course bus routes often cross refuelling points.

Very briefly in the seconds available to me, I want to refer to table 17 on page 72 of the report, where Australia's production of natural gas by state and territory from 2000 to 2006 is highlighted. If members go to that page they will see that Victoria is very well placed. We have increased our natural gas production where production in other states has dropped.

Rural and Regional Committee: rural and regional tourism

Mr NORTHE (Morwell) — I want to make a few comments about the Rural and Regional Committee's inquiry into rural and regional tourism. I am glad the Minister for Public Transport is in the chamber because I want to refer some of my comments to how transport services may enhance tourism in regional areas.

I believe that at the moment there is a great opportunity for rural and regional tourism to benefit, given the current economic climate, and I think we will see more and more Victorians taking their holidays in their home state, particularly given the low Aussie dollar and the reduction in fuel prices. I am sure that offers great encouragement for Victorians to get out into the regional areas to spend their holidays.

In particular I want to make reference to section 5.31 of the committee's final report, and give a couple of examples from Michael Watson, who runs Watson's Mountain Country Trail Rides; and Ian Geer, the manager of tourism and economic development for the Mansfield Shire Council. Both gentlemen gave evidence that suggested the tourism product offerings are severely hindered by a lack of public transport in their regions. Further witnesses from Bendigo, the Bellarine Peninsula, the Surf Coast, Geelong, Lorne, Halls Gap, Echuca, Clunes and Latrobe City in the electorate of Morwell all mentioned gaps in public transport services. Not only is it a deterrent for tourists but also for employees of the tourism and hospitality industries.

Just last week the Minister for Public Transport introduced a new V/Line advertising initiative entitled 'See things differently'. The government believes that up to $30 million in tourism revenue might be expected to flow into regional Victoria through this campaign. I believe the notion of this initiative is a good one. However, there are some flaws in it. I know the campaign will promote areas such as Ballarat, Bendigo, Geelong and Echuca, but I am very disturbed by the fact that Gippsland is not mentioned in the campaign. That causes us great concern.

Recommendation 8 states:

> That the government continue to provide funding for the upgrade of regional airports.

I think that is an important aspect of our recommendation; if we have the infrastructure in place, we can encourage people to tour country Victoria. The report also refers to the Star 6 program which subsidises coach travel for students in regional areas to visit attractions of historical and cultural significance in Melbourne. The committee recommends that this be expanded to allow Melbourne students to visit regional areas where they may visit historical and cultural attractions. That makes sense, and again it is part of the transport aspect of my contribution today.

Recommendation 10 states:

> That Tourism Victoria join the Transport Connections project …

We believe tourism is an important component of the Transport Connections program, and it would be of great benefit to the tourism industry if Tourism Victoria were involved in this and understood some of the

impediments that regional Victorians face in getting people from all areas of the state to visit regional areas.

Recommendation 11 states:

> That the state government exempt national bus lines such as Greyhound Australia from s. 23(3) of the Public Transport Competition Act 1995, to allow them to pick up and put down passengers travelling on routes between Melbourne and other capital cities.

This refers to an anomaly in the legislation as it currently sits. The evidence tendered by people in Gippsland is that while they can be picked up by a Greyhound bus within their region, they cannot actually get off the bus in Victoria. That is a great anomaly in the legislation and something that the government should seriously consider when it makes a response to the recommendations put forward.

In conclusion I want to say that transport is a key component of the committee's final report, and hopefully when the government sums up, it will adopt some of the recommendations in the report.

Environment and Natural Resources Committee: impact of bushfires on public land management

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to talk today on the parliamentary committee reports. I particularly want to make reference to the Environment and Natural Resources Committee's report on the impact of bushfires on public land management and to comment on a couple of recent initiatives of the government which show it is taking seriously its consideration of the unanimous recommendations of the parliamentary committee, as reported to the house, and is not just awaiting a formal response without acting. That is really good.

It was the view of all members as we went through the inquiry process that the government and the department were already starting to make moves in certain areas as a result of the 1100-odd submissions and the public hearings around the state, maybe pre-empting some of the things that we were going to recommend. It is pleasing that the government is acting reasonably quickly because we are in a very dangerous fire season this year, having experienced 12 of the driest years in a row. Many of the most at-risk areas are those that have not had fires since the Ash Wednesday fires, so Victoria is in a very serious situation.

It is pleasing that the government has extra resources in firefighting capacity for this fire season, with the announcement of an additional 650 project firefighters to work with the 60 000 Country Fire Authority volunteers and the many project firefighters already on the ground around Victoria — in places like Gippsland, north-east Victoria, north-west Victoria, the south-west and in Melbourne's Port Phillip region. It is also important to note that there has been a big increase in firefighting resources since 1999 — from $30 million to $100 million. But, as the committee report states, we need to consider the seriousness of the situation as there is more work to be done.

As we await the government's formal response to the report, it is important to also talk about some of the government initiatives, which the government should be commended for. That will be my contribution today.

The government is also spending $17 million in addition to the federal government's $3.3 billion for extra firefighting aircraft capacity. The committee heard of the importance of an early response, and that is reliant on the aerial firefighting capacity — to get in as quickly as possible as fires are identified, to try to make as much of an initial impact as possible.

I also want to refer to another initiative. One of the issues that is very loud and clear from the many submissions is the need to take an ecological approach to our planned burning around matching the needs of our ecology with our need for prescribed fire management and also being able to plan for the effects on different types of ecosystems. That is why I was particularly pleased to hear of the minister's new flora monitoring protocols to assess the impact of fire on flora throughout Victoria, which were announced a few days ago.

If, as the committee recommends, we are to go beyond the current targets for prescribed burning — where in effect we recommended a very sizeable increase; a possible tripling of that — we need to be able to marry that with the need to understand that there are many different plant species across Victoria that are fire dependent, many of them for regeneration. Some need different types of cycles because of the nature of their ecology, and without mapping or having a flora protocol assessment when putting in fire to protect the landscape that we very much love from very hot fires and wildfires and also to protect communities, you may do some damage to flora.

That is why I want to commend this initiative. It is certainly an advancement in the practice of fire ecology. The integration of fire ecology in planned burning is a very progressive thing. It is something that has been in Western Australia for many years, so we are not going alone on this; we are learning from it.

The protocols explain how to specify the monitoring objectives, select sites, train field assessors, collate and analyse data, and tailor land and fire management accordingly. It is that holistic approach around fire ecology that the experts were telling us we need to do. I am pleased that the protocols are integrated with the monitoring of fuels, fauna, habitats, fire behaviour and fire severity, and also that they are available to the public. It is well worthwhile for us to have a look at them.

Public Accounts and Estimates Committee: budget estimates 2008–09 (part 3)

Mr WELLS (Scoresby) — I rise to join the statements on committee reports. I wish to speak on the Public Accounts and Estimates Committee report on the 2008–09 budget estimates, part 3, which was tabled in October. I thank the hardworking staff of the Public Accounts and Estimates Committee, especially the executive officer, Valerie Cheong, and I hope she passes that on to her staff.

The point I would like to raise concerns table 9.4 on page 134 under the heading 'Total tax relief'. I put down what the government is trying to claim in relation to the amount of tax relief offered by this budget as just a con. I point to the Treasurer's speech, where, at page 4, he refers to leadership on tax reform. He states:

> … we will cut the top land tax rate by 10 per cent — from 2.5 per cent to 2.25 per cent — and make an adjustment to all land tax thresholds of around 10 per cent.

He said that this will make it more competitive. Further on, he talked about payroll tax, and said:

> We will make a larger than scheduled cut in the payroll tax rate, taking the rate from 5.75 per cent in 1999 to 4.95 per cent from 1 July 2008. This is the first time that the rate has dropped below 5 per cent since the mid-1970s.

He then went on to say:

> We will also increase all thresholds for stamp duty on land transfers by around 10 per cent, giving further relief to families and businesses.
>
> Measures announced in this budget will deliver more than $1 billion in tax relief to Victorians, taking the total tax cuts announced by the government to $5.5 billion.

But there is a table in part 3 of the 2008–09 budget estimates which states very clearly that what the government is claiming and what is fact are worlds apart. It states very clearly that tax relief for land tax is $488 million over the forward estimates, stamp duty is $421 million over the forward estimates, payroll tax is $170 million over the forward estimates — and that is how the government gets its figure. However, when you look at the actual payroll, stamp duty, land tax figures by themselves, they show there is going to be an overall increase in payroll tax, land tax and stamp duty.

For example, the actual amount for payroll tax in 2007–08 is $3.844 billion; in 2008–09 that will increase by $119 million to $3.963 billion. The actual amount of land tax for 2007–08 is $865 million; the increased amount for 2008–09 is $1.049 billion, which is an increase of $184 million. The actual amount for stamp duty for 2007–08 is $3.705 billion; that will increase by $32 million to $3.737 billion.

Why is the government saying that there is tax relief when the reality is something quite different — that is, the government has cut the payroll tax rate but it has not altered what the threshold will be. As a result, because Victoria has the lowest threshold rate of any state for payroll tax, more small businesses are going to be caught up in the payroll tax net, which means there will be more receipts.

In regard to land tax, the government talks about a rate cut, but the increased value of properties increases land tax bills, so that, even with a cut to the rate, the overall land tax bill will increase. That means that the person who owns the property ends up paying more. The same principle applies to stamp duty: the value of land and houses increases, and more homebuyers are then pushed into the next stamp duty bracket and as a result will have to pay higher stamp duty fees. This is an example of the Brumby government saying one thing — and spending a lot of time and effort in the spin — on tax relief whereas the reality, as spelt out in the Public Accounts and Estimates Committee report, is that Victorians will be paying a record amount of tax.

MAJOR CRIME LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Major Crime Legislation Amendment Bill 2008.
>
> In my opinion, the Major Crime Legislation Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Major Crime (Investigative Powers) Act 2004 to make it clear that an indictable offence that has a purpose of sexual gratification involving a child is an organised crime offence; to prescribe procedures for the revocation of coercive powers orders; improve the operation of confidentiality provisions and generally improve the operation of the act.

The bill will also amend the Casino Control Act 1991 and the Racing Act 1958 in relation to the review of decisions making exclusion orders, and will amend the Surveillance Devices Act 1999 in relation to assistance to law enforcement officers.

Human rights issues

The provisions of the bill raise several human rights issues.

Right to a fair hearing — s 24; rights in criminal proceedings — s 25(2)

1. Clauses 4, 14 and 15 of the bill

Clause 4 of part 2 of the bill provides for the procedure for the hearing by the Supreme Court of applications for the revocation of coercive powers orders. Clauses 14 and 15 of part 3 of the bill provide for the procedure for the review by the Supreme Court of decisions by the chief commissioner to make exclusion orders under the Casino Control Act 1991 and the Racing Act 1958.

Under these clauses, if the chief commissioner objects to the disclosure of protected information at a hearing for the revocation of an order, the chief commissioner can apply to the Supreme Court to determine a matter of the revocation of coercive powers orders, or exclusion orders, by way of confidential affidavit, at a hearing in a closed court, at a hearing held without notice to, and without the presence of, one or more of the parties or any representative of those parties, or by any combination of these methods. If the court is satisfied that it is not in the public interest to determine the matter by the method elected by the chief commissioner, the court may determine the matter by any of the other methods. In deciding which method to determine the matter by, the court must take into account a number of specified factors, including the public interest in protecting the confidentiality of any intelligence information, and whether any such intelligence information would disclose the identity of police officers, witnesses or other relevant persons.

The bill also provides in clauses 4, 14 and 15 that if the court decides to determine an application at a hearing held without notice to, and without the presence of, one or more of the parties or any representative of those parties, the court may appoint a special counsel to represent the interests of a party to the proceeding at the hearing.

Right to a fair hearing

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Persons named in, or affected by, coercive powers orders or exclusion orders, and seeking the revocation by the Supreme Court of such orders, are potentially parties to civil proceedings. Consequently, clauses 4, 14 and 15 engage the right to a fair hearing in section 24 of the charter.

The right to a fair hearing encompasses the principle of 'equality of arms'. This principle means that everyone who is a party to a proceeding must have a reasonable opportunity of presenting his or her case to the court under conditions that do not place that party at a substantial disadvantage to his or her opponent. By potentially preventing a person from presenting his or her case to the court, clauses 4, 14 and 15 limit the right to a fair hearing under section 24 of the charter. However, any limit imposed by clauses 4, 14 and 15 of the bill are reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors:

The nature of the right being limited

The right to present a case is an important element of the principle of equality of arms recognised in section 24 of the charter. However, as with all of the human rights protected in the charter, the rights in section 24 may be subject to reasonable limits.

The importance of the purpose of the limitation

In determining which procedure should be followed in relation to the hearing of an application for revocation, the court must take into account the public interest in protecting the confidentiality of the intelligence information provided to the court for the purposes of obtaining a coercive powers order or obtained or to be obtained under the coercive powers order (and if the court is satisfied that it is not in the public interest to determine the matter in the method elected by the chief commissioner, the court may determine the matter using one of the other methods provided). Thus, the court would only determine the application without notice to and without the presence of certain parties if it was in the public interest to do so. Thus, the limitation serves the important purpose of protecting the confidentiality of intelligence information where it is in the public interest to do so.

The nature and extent of the limitation

The limitation will potentially operate to prevent parties from presenting their case to the court, in order to protect the confidentiality of intelligence information. Courts have been prepared to allow limits on the disclosure of material where necessary to protect the public interest. The concept of a 'fair' hearing takes into account not only the accused's interest, but also those of the victim and society. Additionally, the interests of parties seeking the revocation of orders will be protected by the appointment of a special counsel to represent the interests of a party to the proceeding at the hearing, where the court decides to proceed by way of a hearing held without notice to and without the presence of a party, which provides an additional safeguard.

The relationship between the limitation and its purpose

The limitation is directly and rationally connected to its purpose of protecting the confidentiality of intelligence information.

Any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means to reasonably achieve the purpose of protecting confidential intelligence information.

Accordingly, I consider that these provisions are compatible with the right to a fair hearing in section 24 of the charter.

Rights in criminal proceedings

Section 25(2) of the charter provides that a person charged with a criminal offence is entitled to certain minimum guarantees. While a person charged with a criminal offence may also be affected by a coercive powers or exclusion order, and may seek review of such orders, such orders are incidental to any criminal proceeding relating to any offences with which such a person may be charged. Applications for the revocation of coercive powers or exclusion orders are separate proceedings to any criminal proceedings relating to the hearing of criminal charges against such persons. Accordingly, clauses 4, 14 and 15 do not engage section 25(2) of the charter.

2. Clause 10 of the bill

Clause 10 of the bill amends section 43 of the Major Crime (Investigative Powers) Act 2004 and provides that the chief commissioner and any witness whose interests are involved have an opportunity to make submissions to the court as to whether or not evidence should be made available, in full or part, to a person charged or the legal practitioner representing the person. Under section 43 a court can, if it considers that it is desirable in the interests of justice, give a certificate to the chief commissioner so that the chief commissioner must make the evidence available to the court and potentially to a person charged with an offence.

Clause 10 does not prevent a person from having access to evidence, but merely allows interested persons to make submissions as to whether or not evidence should be made available. Further, the court has discretion to allow access to evidence under section 43 in the interests of justice. Accordingly, clause 10 does not engage sections 24 or 25(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions do raise human rights issues:

these provisions do not limit human rights; or

to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

ROB HULLS, MP
Attorney-General
Minister for Racing

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Major Crime (Investigative Powers) Act 2004 (the major crime act) represented one significant element of the government's comprehensive 2004 package of reform measures to combat organised crime and corruption. Section 62 of the major crime act requires the special investigations monitor (the SIM) to report to the Parliament within three years of the commencement of certain provisions of that act on the need for the act and the adequacy of the performance of the chief examiner, examiners and members of the police force of functions and powers under the act. On 26 June 2008, the SIM, Mr David Jones, tabled his comprehensive section 62 report.

The SIM concludes that the Victorian coercive questioning model generally works well and has been effective in achieving its objectives. Although some issues are raised about the operation of a number of the provisions of the major crime act, the fundamentals of the Victorian model have proven to be solid and the government believes that the model stands up very well against the other models of coercive questioning that are used throughout Australia.

The SIM has made a number of recommendations for improvement to the technical operation of the major crime act. The government is keenly aware of the importance of maintaining an appropriate and effective coercive questioning regime and, accordingly, this bill represents a swift response by government to the recommendations contained in the SIM's report — the vast majority of which will be implemented by the bill. The bill also addresses a number of technical issues that have been raised by the chief examiner and Victoria Police.

In addition to implementing the recommendations of the SIM, the bill fulfils the government's community safety election commitment to implement safeguards against the potential disclosure of sensitive police intelligence arising from challenges to exclusion orders banning crime figures from racecourses and the Melbourne casino.

Amendments to the Casino Control Act 1991 and the Racing Act 1958 will provide a means by which such challenges can be heard and determined by the courts in a fair manner that also provides protection for sensitive police intelligence. The bill also makes one technical amendment to the Surveillance Devices Act 1999. I will address each category of amendments contained in the bill in turn.

Amendments to the Major Crime (Investigative Powers) Act 2004

The bill introduces a new element to the definition of 'organised crime offence'. Currently under the major crime act, an organised crime offence is defined as an indictable offence against the law of Victoria, irrespective of when the offence is suspected to have

been committed and that is punishable by a maximum of 10 years imprisonment. Further, an organised crime offence must involve two or more offenders, must involve substantial planning and organisation, must form part of a systemic and continuing criminal activity and must have a purpose of obtaining profit, gain, power or influence.

The bill inserts an additional element into the final limb of the definition to ensure that serious and organised crime involving the abuse of children and paedophilia networks is captured for the purpose of the coercive questioning powers. This will be achieved by expanding the purposes for the offending to include sexual gratification where the victim is a child. The amendment is necessary as organised crime groups involved in child abuse and pornography are not necessarily motivated by profit, gain, power or influence.

The bill establishes new procedures for the court to follow in hearing an application for the revocation of a coercive powers order. These are designed to protect the sensitive information that has been obtained or is sought to be obtained under a coercive powers order. The procedures are based upon those included in the Police Integrity Act 2008 for the determination of objections by protected persons, such as the director, police integrity, to a subpoena issued during the course of criminal proceedings for the production of documents or other things that have come into the protected persons' possession in the performance of functions under that act.

The bill does not limit or oust the standing of a third party, such as a summoned witness, to bring an application to the Supreme Court where that person's rights and liberties have been affected by the making of a coercive powers order. However, if a person does make application, the court will have clear legislative procedures within which it may determine the matter, by way of confidential affidavit, in a closed court, or at a hearing in the absence of one or more of the parties. The court will also have the power to appoint a special counsel to represent the interests of an absent party.

The bill implements three interrelated recommendations made by the SIM in relation to the cessation of confidentiality notices. A confidentiality notice is given to a summoned witness by the Supreme Court or the chief examiner if the court or the chief examiner is satisfied that a failure to give a confidentiality notice would or may prejudice the safety or reputation or the fair trial of a person or the effectiveness of an investigation of the organised crime offence.

As the existing criteria to effect a cessation of a confidentiality notice has proven to be inflexible, the bill requires the court or the chief examiner to give a notice causing the confidentiality notice to cease effect where the basis upon which the original confidentiality notice was given no longer applies. The bill also provides for confidentiality notices to cease effect after five years but allows for the chief examiner and the chief commissioner to apply to the Supreme Court for an extension of the five-year period if an extension is necessary to protect a continuing investigation, any proceedings that have commenced but are not yet finalised, the safety or reputation of a person or the fair trial of a person.

The major crime act empowers the chief examiner to give a direction restricting the publication of evidence related to an examination. If a court, in hearing a criminal matter, considers that it may be desirable that particular evidence given before the chief examiner be made available to the defendant or their legal representative, the court may give the chief examiner or the chief commissioner a certificate requiring evidence to be provided to the court for the purpose of the court determining whether to make the evidence available. In accordance with the recommendations of the SIM, the bill makes provision for a process whereby the chief examiner, the chief commissioner and an interested witness may make submissions on whether the evidence should be made available. Although it may be possible to argue that it is inherent from the relevant provisions that interested parties, including the chief commissioner or the chief examiner, can make submissions to the court, the bill puts the matter beyond doubt.

The major crime act already precludes the conduct of coercive questioning examinations at a police station or at a police jail. There is currently no definition of the term 'police station' in any Victorian statute. The bill clarifies that, for the purposes of the major crime act, 'police station' means any police premises where a counter inquiry service for the public is provided. The bill ensures the confidentiality of witnesses and the examination process while enabling questioning to occur at facilities that may be shared with Victoria Police. It is intended that any separate police activity operating within the same building as that of the chief examiner will not involve the attendance of members of the public or the interviewing or detention of arrested persons.

The bill amends the major crime act to give the Supreme and County courts jurisdiction to determine any dispute regarding legal professional privilege that arises during an examination hearing. This amendment

gives effect to a recommendation of the SIM that the superior courts are best placed to determine such complex matters arising out of the coercive powers scheme. Accordingly, the Magistrates Court will no longer be the arbiter of these matters.

The bill amends the major crime act to enable applications for arrest warrants to be made to either the County or the Supreme court, in circumstances where a witness, who has been summoned by the chief examiner, fails to attend for an examination, absconds or is evading service of the summons. This will provide greater flexibility in the warrant application and enforcement process. Where the witness summons was issued by the Supreme Court, the act will continue to require applications for a warrant to be brought before that court.

The bill includes a new definition of 'member of police personnel' in the major crime act. A member of police personnel includes public servants employed by the chief commissioner and contractors engaged by the chief commissioner, to clarify that such persons may provide assistance to the chief examiner's office and are clearly bound by the confidentiality provisions under the act.

Amendments to other acts

The bill amends the Surveillance Devices Act 1999 to clarify that civilians can provide assistance or technical expertise to the law enforcement officer who is primarily responsible for a surveillance devices warrant. The assistance is necessary for the installation, use, maintenance and retrieval of surveillance devices and enhanced equipment. It is the practice of law enforcement agencies in Victoria and other states and territories to engage technical experts, such as persons holding qualifications in electrical engineering, radio communications or similar field, to provide assistance to law enforcement officers. The amendment is purely clarificatory.

Finally, the bill amends both the Casino Control Act 1991 and the Racing Act 1958 to establish a process that the court can apply where a person challenges an order made by the chief commissioner excluding that person from attending or remaining at the casino or a racecourse. The process is designed to protect the highly sensitive intelligence upon which the chief commissioner bases his or her decision to make an exclusion order and is similar to the process that is also included in the bill for the hearing of an application for the revocation of a coercive powers order. While the bill does not preclude an excluded person from seeking judicial review of the chief commissioner's decision, it does afford a suitable level of protection for the intelligence upon which the exclusion order was made by enabling such proceedings to be conducted by way of confidential affidavit, in a closed court, or at a hearing in the absence of one or more of the parties. The court will also have the power to appoint a special counsel to represent the interests of an absent party.

The bill makes various technical yet important amendments to enhance the effectiveness of major crime legislation in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned to Wednesday, 26 November.

RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Relationships Amendment (Caring Relationships) Bill 2008 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of Bill

The Relationships Act 2008 (the principal act) establishes a relationships register in Victoria for the registration of domestic relationships. The principal act also provides a single location for statutory requirements governing property matters in the event of a breakdown of a domestic relationship and amends Victorian acts that currently recognise domestic relationships, in order to make provision for registered relationships.

The bill amends the principal act to allow for the registration of caring relationships on the relationships register and for the recognition, where appropriate, of registered caring relationships across the statute book.

A registrable caring relationship is a relationship between two adults, which is not a marriage or a couple-relationship, and where the partners may be related by family. Not to be confused with the notion of a 'carer', a registrable caring relationship is one where the partners in the relationship provide each other with personal or financial commitment and support of a domestic nature, other than for fee or reward.

The purpose of the relationships register, for both domestic and caring relationships is to allow people to register one relationship, their primary relationship, which will be recognised as such for the purposes of Victorian law. Like registered domestic relationships, registration of a caring relationship will provide conclusive proof of the relationship where caring relationships are recognised under Victorian law. Also like domestic relationships, the bill allows partners in registered caring relationships that have broken down to apply to a court for the adjustment of interests in the property of the relationship and for maintenance, and allows people to enter into relationship agreements in relation to a caring relationship.

The principal act is a fundamentally beneficial piece of legislation. The bill enhances the benefit of the principal act by recognising registered caring relationships in Victorian legislation where there has previously been no such recognition and by according them with a range of legal rights and obligations. As such, the bill acknowledges that people form a diverse range of relationships and allows them to define which of their personal relationships is most important. It also moves the Victorian registration scheme closer to that of the scheme first established in Tasmania in 2004 by its Relationships Act 2003.

Human rights issues

Recognition of equality before the law

Section 8(3) of the charter provides that every person is entitled to the equal protection of the law without discrimination. Discrimination means discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act.

Age limitation

The definition of a 'registrable caring relationship' in the bill requires the partners in that relationship to be 18 years of age or over to register their relationship. This requirement limits the right to equality on the ground of age.

(a) the nature of the right being limited

The prohibition of discrimination is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, the right is not absolute and can be subject to reasonable limitations in section 7 of the charter.

(b) the importance of the purpose of the limitation

The purpose of the age requirement is to protect persons under 18 years of age who are more vulnerable than adults because of their age, and therefore are less likely to have the maturity and capacity to make an informed decision about registering a relationship and to understand the consequences of registration.

(c) the nature and extent of the limitation

The age requirement limits the right to equality to the extent that a person cannot register a registrable caring relationship if a person in the relationship is under 18 years of age.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation on registration to adults and the purpose of protecting persons under 18 years of age, who because of their age, are less likely to have the maturity and capacity to make an informed decision about registration and understand the intended consequences of registration.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to achieve the purpose of protecting persons under 18 years of age who are less likely to have the maturity and capacity to make an informed decision about registration. It would be unreasonably onerous to require the Registrar of Births, Deaths and Marriages (the registrar) to assess each individual aged 16 or 17 to determine whether he or she has sufficient capacity to consent to registration. While the age requirement involves a degree of generalisation about the particular abilities and maturity of individuals, it is necessary and reasonable for Parliament to set an age limit reflecting its assessment of when most persons will have sufficient maturity to ensure responsible decisions are made in relation to registration.

(f) any other relevant factors

Under the principal act, partners in registrable domestic relationships must be adults to register that relationship. It is also a requirement that applies to the registration of caring relationships under the Tasmanian Relationships Act 2003.

(g) conclusion

Accordingly, the age requirement for partners in registrable caring relationships is a reasonable and demonstrably justifiable limitation of the charter right to equality.

Inability to register a caring relationship if already married, in a domestic relationship or in another relationship

The bill extends the application requirements in section 6 of the principal act to people in registrable caring relationships who wish to register their relationship. In so doing, the bill prevents people in a registrable caring relationship from registering the relationship if they are already married, in a registered relationship or in another relationship that could be registered in Victoria. These are the same requirements that apply under the principal act to people in registrable domestic relationships, and are similar to those that apply under the Tasmanian Relationships Act.

The requirements are reasonable given the purpose of the registration scheme is to allow people to register their primary relationship, which will be recognised as such for the purposes of Victorian laws. The registration scheme provides certainty about who the law applies to and it would become unworkable if someone could register numerous relationships. The scheme is also voluntary and, in relation to caring relationships, a person may instead choose to have informal relationships and can make various arrangements to benefit others, such as by making a will.

Preventing people in registrable caring relationships from registering more than one relationship does not amount to discrimination based on an attribute recognised in the Equal Opportunity Act.

Preventing married people and people in domestic relationships from registering a caring relationship raises an argument of differential treatment on the basis of a person's

marital status, which under the Equal Opportunity Act includes a person's status of being a domestic partner. However, it does not amount to less favourable treatment when compared to a person who is not married or in a domestic relationship being able to register a caring relationship. Marriage itself confers benefits, as does recognition as a domestic partner and, in most cases, spouses and domestic partners are treated equally across the statute book. The bill otherwise allows for the recognition of registered caring relationships in Victorian legislation where there has previously been no recognition.

It is therefore considered that the application requirements in the bill do not limit the charter right to equality.

Additional registration requirements for partners in caring relationships

The bill imposes an additional registration requirement on partners in registrable caring relationships to first obtain independent legal advice about the consequences of registration. The same requirement applies to caring partners under the Tasmanian Registration Act. This is an important requirement given that partners in a caring relationship may be less likely than domestic partners to expect legal consequences to attach to their relationship, particularly consequences whereby the registered caring relationship takes precedence over other family relationships.

Imposing the additional registration requirement on registrable caring relationships does not amount to discrimination based on an attribute recognised in the Equal Opportunity Act and there is therefore no limitation on the charter right to equality.

Differential treatment of registered caring relationships across the statute book

In addition to allowing for the registration of caring relationships, the bill provides for the recognition of registered caring relationships across the statute book. Partners in registered caring relationships will generally be treated in the same way as partners in registered domestic relationships but there are exceptions to this in appropriate circumstances.

Treating registered caring partners differently from domestic partners and spouses does not amount to discrimination based on an attribute recognised in the Equal Opportunity Act and there is therefore no limitation on the charter right to equality. It is noted that under the Tasmanian Relationships Act, caring partners are not treated in the same way as partners in 'significant relationships' or spouses in all cases.

Privacy and reputation

Section 13 of the charter provides that a person has the right not to have their privacy or family unlawfully or arbitrarily interfered with.

Powers of the registrar

The bill provides that the same processes that apply to the registration of registrable domestic relationships under the principal act apply to registrable caring relationships. This means that the registrar of births, deaths and marriages has the same powers in relation to the registration of registrable caring relationships as for registrable domestic relationships.

As set out in the statement of compatibility for the principal act, the powers of the registrar are clear and appropriately circumscribed, and do not amount to an unlawful or arbitrary interference with privacy or family.

For example:

Registrar's powers to require information and conduct inquiries

Sections 7(d) and 8 of the principal act allow the registrar to require information for the purposes of determining an application for registration, the requirements of which are set out in sections 6 and 7. The purpose of the registrar's power is clear and limited, being only to obtain information to ensure that applicants meet the eligibility requirements for registration and does not amount to an unlawful or arbitrary interference with the right to privacy.

Section 18 allows the registrar to conduct an inquiry to find out particulars to verify information given in connection with a registration application or whether the particulars of a registered relationship are correctly recorded. Again, the purpose of the registrar's power is clear and limited. Moreover, the power is necessary to ensure the integrity of the relationships register and reflects current powers of the registrar in relation to other registers under the Births, Deaths and Marriages Registration Act 1996.

Registrar's power to refuse to register

Section 10 of the principal act provides that, unless an application for registration is withdrawn, the registrar may register the relationship within a reasonable period after the expiry of 28 days from the date the application was made or after further information required by the registrar is provided. The registrar may also refuse to register the relationship. In this context, the basis for the registrar's refusal to register is that the application for registration has not met the application requirements set out in clauses 6 and 7 of the principal act.

Access to and disclosure of personal information

Sections 21 and 22 of the principal act allow the registrar, on application, to search the relationships register for an entry about a particular registered relationship and issue a certificate of the search results. Section 24 provides that the registrar may allow a person or organisation access to information in the register or provide information extracted from the register.

The circumstances in which the principal act authorises the registrar to allow access to and disclose personal information are circumscribed. Applicants must provide adequate reasons for requesting a search or access to information on the register. In deciding whether an applicant has an adequate reason, the registrar must have regard to a number of relevant factors. Further, section 20 requires the registrar, when providing information from the register, to protect the persons to whom the information relates from unreasonable intrusions on their privacy and the registrar must maintain a written statement of the policies on which access to information is to be given or denied.

In all of the above examples, section 28 of the principal act allows a person whose interests are affected by a decision of the registrar to apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision. This provides a further safeguard to ensure that the basis for the registrar's decision is reasonable.

The registrar is also a public authority for the purposes of the charter and is therefore required to act in a way that is compatible with a human right and, in making a decision, must not fail to give proper consideration to a relevant human right.

Ability of a court to revoke registration or to order the registrar not to revoke registration

The principal act sets out reasonable mechanisms for the revocation of a registration. Under the bill, these mechanisms will apply in the same way to the revocation of registered caring relationships.

The mechanisms includes automatic revocation if either partner in the registered relationship dies or gets married, and revocation on application to the registrar by one or both of the parties to the relationship. It also appropriately provides for the courts to have a role. This might happen during proceedings for property matters as a way of finally determining the relationship, or it could happen on review of the registrar's decision by VCAT. Such a role for the courts is reflected in the Births, Deaths and Marriages Registration Act, in relation to other registers maintained by the registrar, as well as in the Tasmanian Relationships Act in relation to their registration scheme. Furthermore, courts and tribunals must interpret all statutory provisions in a way that is compatible with human rights so far as it is possible to do so consistently with the purpose of the statutory provisions.

As such, the ability of the court to revoke registration or to order the registrar not to revoke registration cannot be regarded as limiting the right of a person not to have their privacy or family unlawfully or arbitrarily interfered with.

Property rights

Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with the law.

The bill extends the provisions in the principal act dealing with relationship agreements, property and maintenance to partners in registered caring relationships. In so doing, the bill affords property rights to registered caring partners for the first time, giving them the ability to seek court orders in relation to property of the relationship after the relationship has broken down. As part of this regime, a court may make an order for the adjustment of property interests, or for maintenance, which deprives a registered caring partner of their property. However, the principal act provides that the order be just and equitable having regard to a number of matters that are clearly articulated. The court's powers are formulated in a precise manner and occur under powers conferred by legislation. Any deprivation of property will therefore be in accordance with law and there is no limitation of the right granted in section 20 of the charter.

Fair hearing

Section 24 of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Section 61 of the principal act, which the bill extends to partners in registered caring relationships, raises the right to a fair hearing by allowing a court to make an order or grant an injunction in relation to a property matter in the absence of one of the parties to the proceeding, where it is a case of urgency.

(a) the nature of the right being limited

The purpose of the right to a fair hearing is to ensure the proper administration of justice and is concerned with procedural fairness.

(b) the importance of the purpose of the limitation

The purpose of section 61 is to:

> protect the property of one or both parties to a registered caring relationship that has broken down where either of the parties has applied to the court for a property or maintenance order
>
> to aid enforcement of any other order made in respect of the property or maintenance application.

This may arise, for example, in situations where there is a need to make an order to stay the distribution of interests in property on the breakdown of a relationship where one party cannot be located or where delaying the making of such an order would result in serious injustice to the party making the application.

(c) the nature and extent of the limitation

The bill limits the right to a fair hearing to the extent that a court can make an order or grant an injunction ex parte. However, the court can only make orders ex parte in the case of urgency and only for specified purposes. Further, an order or injunction must be expressed to operate or apply only until a specified time or the further order of the court.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and its purpose. The limitation goes no further than is necessary to achieve the purpose of protecting property and/or enforcing an order, in circumstances where not having the power to make temporary orders ex parte would result in serious injustice to the applicant.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to protect property or to enforce an order. Due to the urgency of such matters, it is unreasonable for a court to delay making such an order until all parties are present.

(f) any other relevant factors

Section 61 of the principal act currently applies to partners in domestic relationships. A similar provision existed under section 293 of the Property Law Act 1958.

(g) conclusion

Accordingly, the court's power to make orders and injunctions in the absence of a party in section 61 as it relates to parties in registered caring relationships is reasonable and demonstrably justifiable under section 7 of the charter.

Conclusion

I consider that the bill is compatible with the charter because to the extent that some provisions may limit human rights those limitations are reasonable and justified in the circumstances.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

In April this year, Parliament passed the Relationships Act 2008, establishing for the first time in Victoria a relationships register for the registration of domestic relationships. Registration will allow couples in these relationships easier access to existing entitlements without having to argue repeatedly that they are in a committed partnership, or to have to prove this in court.

The Relationships Act also provides a single location for statutory requirements governing property matters in the event of a breakdown of a domestic relationship and amends Victorian acts that currently recognise domestic relationships in order to make provision for registered relationships.

Before the Relationships Act commences operation on 1 December 2008, I am today introducing a bill that enhances its important reforms. In so doing, I am also fulfilling a commitment I made to the house during debate on the Relationships Act.

The Relationships Amendment (Caring Relationships) Bill amends the Relationships Act to allow for the registration of caring relationships on the relationships register and for the recognition, where appropriate, of registered caring relationships across the statute book.

The bill enhances the fundamentally beneficial nature of the Relationships Act by recognising registered caring relationships in Victorian legislation where there has previously been no such recognition and by according them with a range of legal rights and obligations. As such, the bill recognises and values diversity, and moves the Victorian registration scheme closer to that of the scheme first established in Tasmania in 2004 by its Relationships Act 2003.

The purpose of the relationships register, for both domestic and caring relationships, is to allow people to register one relationship, their primary relationship, which will be recognised as such for the purposes of Victorian law.

Like registered domestic relationships, registration of a caring relationship will provide conclusive proof of the relationship where caring relationships are recognised under Victorian law. Also like domestic relationships, the bill allows partners in registered caring relationships that have broken down to apply to a court for the adjustment of interests in the property of the relationship and for maintenance, and allows people to enter into relationship agreements in relation to a caring relationship.

Turning now to the key aspects of the bill in more detail, the bill includes a separate definition of a registrable caring relationship that is distinguishable from the definition of a registrable domestic relationship already contained in the Relationships Act. The definition makes it clear that a caring relationship, while being between two people, is not marriage or a couple-relationship. Caring partners may be related by family. Both partners must be over 18 years of age.

Not to be confused with the commonly understood notion of a carer, a registrable caring relationship is one where the partners in the relationship provide each other with personal or financial commitment and support of a domestic nature. It does not, however, include a relationship in which a person simply provides domestic support and personal care to the other person for fee or reward, such as on a commercial or for profit basis. So, in essence, this is a broader concept of relationship than a couple that could, for example, include two adult companions, or two adult siblings, who have a mutual commitment to support each other in practical and emotional ways.

The bill provides that the same registration requirements that apply to registrable domestic relationships apply to registrable caring relationships — that is, the partners to the relationship must both be domiciled or ordinarily resident in Victoria and must not be married, already in a registered relationship or in another relationship that could be registered in Victoria. These requirements mean that a person cannot be in both a registered domestic relationship and a registered caring relationship because the purpose of the registration scheme is to allow people to register their primary relationship for the purposes of recognition under Victorian law.

However, as is the case under the Tasmanian registration scheme, partners applying to register a caring relationship will be required to first receive independent legal advice about the consequences of registration. Independent advice of course means that the partners in the relationship should receive this advice separately from each other and from different legal practitioners.

Independent legal advice is a necessary additional requirement because parties to caring relationships may be less likely than domestic partners to expect legal consequences to attach to their relationship, particularly consequences whereby the caring relationship overrides other family relationships. Independent legal advice will also act as a safeguard against caring relationships being orchestrated by unscrupulous people in contact with a vulnerable older person, or by family members seeking to advantage themselves over other family members in relation to access to financial resources and inheritance.

The bill provides that only partners who have registered their caring relationship will be able to access rights and obligations under Victorian law. While different from the approach taken for domestic relationships, this provides certainty about who Victorian law applies to and ensures that only people who intend to have their caring relationship legally recognised as their primary relationship are captured by the registration scheme.

Finally, the bill reflects the intention that, across the statute book, registered caring relationships be generally treated in the same way as registered domestic relationships with exceptions in appropriate circumstances. This approach is similar to that taken in Tasmania, where caring partners are not treated in the same way as partners in 'significant relationships' or spouses in all cases.

So, while the property and maintenance jurisdiction under the Relationships Act will be extended to registered caring partners, the bill makes consequential amendments to a number of other acts to clarify that the rights and obligations that currently apply to domestic partners in those acts do not extend to partners in registered caring relationships. I note that in clarifying the application of these existing laws to registered caring partners, it is not intended to change the current entitlements of spouses and domestic partners under Victorian law.

The majority of exceptions apply to legislation that gives entitlements to reversionary pensions under superannuation and judicial pension schemes. Such entitlements are given to a spouse or spouse-like partner on the death of the judicial or superannuation member. Extending the entitlement to registered caring partners would constitute a fundamental change to this policy basis. This contrasts with the recent legislative change to recognise registered domestic relationships, something that does not fundamentally change the scope of who is covered by these schemes but rather provides a method by which people can prove their relationship to access such schemes. It is also an appropriate approach given that this is the first time that caring relationships are being recognised in Victorian law.

Before concluding, I would like to address some further matters that arose during debate on the Relationships Act.

There have been a number of calls to amend the Relationships Act to allow for recognition of relationships formalised in other jurisdictions. This is particularly relevant for other registration schemes in Australia such as in Tasmania and in the ACT. This continues to be the subject of discussion with these and other jurisdictions but it is important that we agree on how such a recognition scheme will work. Consideration of this issue will therefore take some more time. However, it was important that this bill not be delayed while those further discussions are taking place.

There have also been further suggestions to amend the Relationships Act to bring the state property and maintenance jurisdiction more in line with the commonwealth Family Law Act 1975. The commonwealth government has now acted on the referral by a number of states of their legislation-making powers over property matters for de facto couples. The commonwealth reforms will amend the Family Law Act 1975 to provide for opposite-sex and same-sex de facto couples to access the federal family law courts on property and maintenance matters. They will also allow a de facto couple whose relationship breaks down prior to the commencement of the commonwealth legislation to opt in to the new regime. Once the new commonwealth jurisdiction commences, the majority of new matters for separating Victorian couples should be able to proceed in the Family Court.

The state jurisdiction will, however, need to remain in place to deal with property and financial matters arising out of a registered caring relationship that has broken down, as the commonwealth jurisdiction will not cover these relationships. My department will therefore continue to monitor the need for any further reform in this area.

I am pleased that the bill has received broad support from a number of different stakeholders. It is a further step in recognising that people form a diverse range of relationships and will allow people to define which of their personal relationships is most important.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 26 November.

Sitting suspended 12.59 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that today the Minister for Agriculture and Minister for Small Business is away. Any questions directed to those portfolios will be answered by the Minister for Regional and Rural Development.

QUESTIONS WITHOUT NOTICE

Economy: growth

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his claim yesterday that he could not bring forward the budget update from mid-December. I further refer him to section 27D of the Financial Management Act, which states that the budget update can be provided to the Parliament 'on or before' the December deadline. I ask: will the Premier now do what the commonwealth and New South Wales governments have done and provide Victorians with the government's revised forecast for growth and unemployment?

Mr BRUMBY (Premier) — I am pleased that the Leader of the Opposition has been listening to my answers in question time. He has referred to the act which sets out these requirements. As I said yesterday to the leader, when we came to government the date that was set in the legislation — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast!

Mr BRUMBY — The date that was set in the legislation by the former government, by the former Treasurer, Alan Stockdale, was 15 January. We brought it forward by a month. That timing is appropriate because the — —

Honourable members interjecting.

The SPEAKER — Order! I ask government members to stop interjecting. I ask the member for Bass to stop interjecting in that manner.

Mr BRUMBY — This is a midyear update, and the financial — —

An honourable member interjected.

Mr BRUMBY — That is what it is called: a midyear update.

The SPEAKER — Order! I ask the Premier to ignore interjections. I ask members of the opposition to cease interjecting, in particular the member for South-West Coast, or his time at question time today will be very brief.

Mr BRUMBY — The financial year runs from 1 July through to 30 June. The appropriate time for a midyear update is around the middle of the financial year, and that is exactly what December and January is.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. Will he tell Victorians or will he keep them in the dark?

The SPEAKER — Order! I do not uphold the point of order. The Leader of the Opposition knows that that is not the appropriate manner in which to take a point of order.

Mr BRUMBY — As far as the comments made by the Leader of the Opposition go, I am aware of somebody who, when asked about this issue last week, said:

> Well … I don't think it's a question of that at this stage in terms of what we're gonna do.

This was the Leader of the Opposition when asked about what the opposition's views were on the surplus.

The SPEAKER — Order! The Premier is debating the question!

Mr BRUMBY — As I have said previously, the process is set out in the Parliament. The appropriate time for a midyear budget update is the midyear — and that is when we will deliver it.

Schools: broadband

Dr HARKNESS (Frankston) — My question is also to the Premier. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the Premier inform the house how the government is helping Victorian students to use technology to better connect them to their communities and the world?

Mr BRUMBY (Premier) — I thank the honourable member for his question and for his strong support for new technology in our schools, and particularly the broadband system. Last week, with the Minister for Education and the CEO (chief executive officer) of Telstra, I announced that all government schools across the state — in metropolitan, and rural and regional Victoria — would have their broadband speed boosted from 4 megabits per second to 10 megabits per second. We made this announcement at Richmond Primary School. It is a great school, and of course the local member was there as well. We made the announcement with the students at Richmond Primary School all logged in to students at Hawkesdale P-12 College, more than 280 kilometres away. They were engaging in an interactive blogging session.

Almost 1600 Victorian government schools are already reaping the educational benefits of 4-megabits-per-second broadband. The upgrade, which applies to all schools across the state, upgrades to 10 megabits per second and it is delivered through the $89 million that we provided in our VicSmart initiative. It gives Victorian students the best universal bandwidth anywhere in Australia.

Our aspiration for our school system is to have the best school system anywhere in Australia. We are determined to get the best teachers in Australia, we are determined to have the best computers in Australia and we are determined to have the best broadband anywhere in Australia. I am pleased to say that our government is delivering it.

This is a great example of our commitment to govern for all Victorians, because it does not matter whether it is Hawkesdale, Williamstown, Richmond, Broadmeadows or Wodonga — every single school in the state is getting access to this broadband roll-out. Sol Trujillo, the CEO of Telstra, said in his comments that Victoria stood out amongst the other states in its commitment to information technology and broadband in schools.

I want to put this in a broader perspective, because if you look at all of the things that we are doing as a state, whether it be the broadband rollout, whether it be computers in schools, whether it be the use of new technology generally, and if you look more generally at what we are doing in terms of the new life sciences computer at Melbourne University, the synchrotron, the stem cell centre and the new solar energy plant which was opened at Bridgewater and which has the best and latest solar technology anywhere in Australia, it is true to say in every sense of the word our state is the innovation capital of Australia.

We are the clever state. This is not by accident. This has happened because of the record investment that we have made in our state. It is a great thing that honourable members should be proud of. In our schools and across our community, we lead Australia in terms of being the clever state, and we lead Australia in terms of new innovation and technology. This rollout in our schools gives our students the best opportunity to succeed in education and to succeed in using new IT infrastructure.

Water: recycling

Ms ASHER (Brighton) — The question I have is for the Minister for Water. Given that approximately 200 000 houses in Melbourne have been connected to water supply in the life of this government, will the minister spell out what percentage of these have been connected to recycled water? Is it 100 per cent, 50 per cent, 10 per cent or is it around 0.5 per cent?

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Warrandyte and the member for Kilsyth. I appreciate the support of the member for Bass!

Mr HOLDING (Minister for Water) — I am very pleased to have the opportunity to proudly talk about the efforts that the government is embarking on to ensure that Victorians have access to recycled water. In fact in terms of Melbourne's efforts in accessing recycled water, we are now not only the best major city in Australian in terms of the volume of recycled water that is being used, but we are actually using — —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Kew, Scoresby and South-West Coast not to sit there and repeat a question that has already been asked.

Mr HOLDING — Not only are we the best major city in Australia in terms of the use of recycled water, but we are also using something like a third more recycled water than any other major city in Australia.

These are not figures prepared by the state government; they are actually figures prepared by the Water Services Association of Australia. That makes it very clear that these are robust figures which show that we are doing better than any major city in Australia in terms of the volume of recycled water.

We have also introduced regulations which now require, for energy star ratings to be achieved, either the installation of a rainwater tank, a dual-pipe system — —

Ms Asher — On a point of order, Speaker, the minister is debating the issue. It was a very simple question.

The SPEAKER — Order! The minister is debating the question as far as his comments are now leading to a discussion about rainwater tanks. The question was about recycled water, and I bring the minister back to addressing the question as asked.

Mr HOLDING — The energy rating actually relates to recycled water — —

Honourable members interjecting.

Mr HOLDING — It is actually a dual-pipe system.

The SPEAKER — Order! That level of interjection when the minister has spoken barely three words is totally unacceptable.

Mr HOLDING — The starred energy rating system which we have introduced relates to dual-pipe systems, solar water heating systems and rainwater tanks. They are the three treatments which can be used under that system. Many households in Melbourne, including many in estates right across Melbourne, are using this system. In fact tomorrow I look forward to going to the Sandhurst estate, which will commission the 1000th customer on that estate.

Honourable members interjecting.

The SPEAKER — Order! That level of interjection is obviously not acceptable.

Dr Napthine interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, I ask the member for South-West Coast to leave the chamber for 30 minutes.

Honourable member for South-West Coast withdrew from chamber.

Questions resumed.

Mr HOLDING (Minister for Water) — What we are seeing are more and more households across Melbourne having access to dual-pipe, or third-pipe, systems which enable them to use recycled water. At the same time we have across Melbourne the best use of recycled water in volume terms of any major city anywhere in Australia. We have the recognition of the Water Services Association of Australia of the efforts that the state government has gone to to ensure that we have exceeded — —

Mr K. Smith interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, I ask the member for Bass to leave the chamber for 30 minutes.

Honourable member for Bass withdrew from chamber.

Questions resumed.

Mr HOLDING (Minister for Water) — Not only has Melbourne exceeded the targets for recycled water use that the state government set for itself and not only are we the best major city in Australia for recycling water, but also I look forward to tomorrow celebrating the commissioning of not 1000 homes in Melbourne but 1000 homes on the Sandhurst and Hunt Club estates in South East Water's region. I look forward to meeting with the members of the 1000th family and celebrating that occasion with them.

Community Support Fund: grants

Ms GRALEY (Narre Warren South) — My question is to the Minister for Community Development. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: will the minister inform the house of how Victorian community support grants are helping build stronger communities?

Mr BATCHELOR (Minister for Community Development) — I thank the member for Narre Warren South for her question, because she is concerned about communities and the work that the Victorian

government is doing to try to help communities get stronger and become more resilient. These Victorian community support grants are provided through the Community Support Fund. They are important grants, the reason being that they support communities to become stronger, better resourced and more inclusive places where people are happier to live and to work. The grant programs are designed to address individual and locational disadvantage in particular.

We provide these grants to help communities to grow stronger and to become more confident. The funding gives life to ideas that will get people together and give them a place to connect and a place to belong. What is so important about these grants is that the communities are involved with them — they are driving them — so that the program is able to deliver the sorts of facilities and objectives that will meet the needs of individual communities.

A good example is the Melton township youth facility. This is an excellent example of the community identifying an area of need and working with different sectors of the community. Through the grant we provided — some $690 000 — and with funding from other sources, primarily the local council, the community has been able to build a youth facility which will provide a one-stop shop for young people where social activities, learning and support can be provided. At this location young people will be able to access information and services whilst participating in a really wide range of activities, including a youth radio station, a youth internet cafe and band rehearsals, and through all of that they can connect with each other and to the outside world.

However, that is not the only example of how good these grants are. The member for Polwarth would be informed about the grant of $864 000 that we provided to the Beechy Centre. The Beechy Centre will deliver a new community precinct for Colac. It will offer a whole range of community access and an involvement in lifelong learning in the arts, in culture, in recreation and in health and wellbeing. The Beechy Centre is a fantastic partnership between the state government and other arms of government and is a great example of how this scheme works.

The member for Lowan would know of the benefit of the $260 000 grant provided to the Horsham North community engagement project. Some of the initiatives under the project will include a community skills audit, mentoring, projects for the young leaders program, the establishment of junior youth groups, planning for a children's hub, and a whole host of other activities. The member for Lowan also has an interest in the terrific program called Landscape for Young People in the Glenelg and Southern Grampians shires. We provided, through our community support grant program, some $346 000 to the project, which will train 60 people as researchers to map out youth issues in the region. The young people will be supported by community groups, including the local learning and employment network, the regional youth networks and a host of others.

The member for Murray Valley would be aware of the $100 000 grant we have provided to his area to help the Wangaratta urban community and 18 small towns within the Rural City of Wangaratta develop community plans. He is also aware of the $100 000 donation we have made towards the construction of a facility for children. We will do that in conjunction with the Rural City of Wangaratta.

The member for Gippsland East would know the $500 000 contribution — —

Mr McIntosh — On a point of order, Speaker, the minister has been speaking for a considerable time. If he wishes to make a ministerial statement, this is not the appropriate time.

The SPEAKER — Order! I uphold the point of order. I ask the minister to conclude his answer.

Mr BATCHELOR — I will do that, Speaker, just by saying that the Lakes Entrance community services project is designed to foster community connectedness, participation and reconciliation and healing, and it is a terrific project. None of these projects would have been possible if there had been a different result at the last election, because the policy of the Liberal Party was to sack — —

Honourable members interjecting.

Mr BATCHELOR — Was to sack all of these — —

The SPEAKER — Order! The minister has concluded his answer.

Automotive Industry Innovation Council: ministerial representation

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given that the recently announced Automotive Industry Innovation Council, which is tasked with coordinating the $6.2 billion transformation package for the Australian automotive industry, has a place specifically reserved for the Victorian industry minister, will the Premier advise if the Minister for Industry and Trade will be returning

from leave to represent Victoria at this peak forum? Or will taxpayers be expected to continue to foot the bill for a full ministerial salary for a minister who is not performing his duties?

Mr BRUMBY (Premier) — In relation to the matter raised about the automotive industry and the new council, can I just say at the outset that the government welcomes the significant commitment which has been made by the Rudd government to the automotive industry. I know there has been some criticism — as there always is — of these plans that support manufacturing by some economic commentators. But our view is that this is a crucial industry to Victoria and a crucial industry to Australia, and we welcome the very substantial commitment which is being made by the Rudd government.

In the medium term each of the motor vehicle manufacturers have significant investment proposals — the three majors are of course based in our state — and we intend to continue working very closely with Ford, GM Holden and Toyota in relation to their medium-term investment plans.

In relation to the establishment of the council, obviously when the council is selected, if the first meeting is held in the near term, the Acting Minister for Industry and Trade, the Honourable John Lenders, the Leader of the Government in the Legislative Council, will attend. In the longer term, should the Honourable Theo Theophanous be cleared of any matters in relation to police inquiries, he would of course return to the ministry and take that position.

Tourism: growth

Ms CAMPBELL (Pascoe Vale) — My question is to the Minister for Tourism and Major Events. I refer the minister to the government's commitment to growing the economic contribution of tourism to Victoria, and I ask the minister to detail for the house any recent developments that demonstrate how the government is delivering on that commitment.

Mr HOLDING (Minister for Tourism and Major Events) — I thank the member for Pascoe Vale for her question, because it is an opportunity to talk proudly from a tourism and major events perspective about the achievements we have seen in recent years.

I will start by informing the house that I was very pleased last week to release the latest figures from the Sustainable Tourism Cooperative Research Centre, which showed that our tourism industry, even in these difficult economic times, is continuing to grow strongly. In fact the material released by the centre last week showed that the Tourism Satellite Account for Victoria saw the industry now contributing something like $15.1 billion worth of economic impact for the state and employing something like 179 000 people. This is a huge level of growth since the last time the Tourism Satellite Account figures were released back in 2002–03.

The economic impact of the tourism industry since that time has increased by more than 13 per cent — 13.2 per cent — and the jobs growth has increased by 8.8 per cent. In both instances — the growth of the economic impact of the tourism industry and the growth of the employment impact — Victoria has performed well above the national average. That shows that our tourism industry here in Victoria continues to go from strength to strength, outperforming the national average.

At the same time that is not surprising, because our major events strategy is continuing to underpin our success. We often see record numbers of people at events such as the Spring Racing Carnival, the Australian Open, our grand slam tennis event, and the Australian Formula One Grand Prix, which we were very pleased to be able to re-sign this year. We even had record crowds at the Australian Football League finals and at AFL games throughout the year.

We are very pleased to see that the tourism industry continues to go from strength to strength and that our major events calendar continues to develop and to attract more visitors to Victoria from interstate and overseas. That is why I was so pleased today to be able to officially welcome at Tullamarine airport the arrival of the first AirAsia X flight to Melbourne. This was the first flight in what initially will be a service operating four times a week. By March next year it will be a daily service. That is great news for Melbourne, because Malaysia continues to be one of our fastest growing tourism markets. In fact Victoria receives more than one-third of the visitors from Malaysia in any given year. That is growing at 5.5 per cent per annum and is predicted to reach something like 82 000 Malaysian visitors by 2017.

We are very happy about that. We are very pleased Malaysians are choosing to come to Victoria to enjoy our great lifestyle, to enjoy our great major events and to study at our higher education institutions. In fact Victoria is the destination of choice of more than 40 per cent of Malaysian students who choose to come to Australia. Their relatives and friends choose to come and visit them while they are here, which also boosts our tourism numbers.

Our trade relationship with Malaysia continues to grow; our export relationship, our investment relationship and the importance of students to Victoria continue to grow; and the AirAsia X service that I was pleased to welcome to Melbourne this morning is just another vote of confidence in the strength of Melbourne and Victoria as tourism destinations.

We are very pleased to add AirAsia X to the expanded services from Emirates, the new services from Etihad and the new services from many other airlines which are increasingly choosing Melbourne as their destination of choice.

Ms Asher interjected.

Mr HOLDING — I note but ignore the interjection from the Deputy Leader of the Opposition. I would simply make the point that international visitor numbers to Melbourne — —

Honourable members interjecting.

The SPEAKER — Order! We all know that the minister cannot 'note' and 'ignore' in the same breath. Regardless, the minister will be given the opportunity to conclude his answer.

An honourable member — Finish off with an oxymoron.

Mr HOLDING — An oxymoron? How about Liberal Party policy? Or how about a tautology: disloyal Liberals?

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Premier. I refer to the press conference held on 5 November, attended by the Premier and Chief Commissioner of Police, during which on four separate occasions the chief commissioner confirmed that she had informed the Premier that a government minister was being investigated by Victoria Police, and I ask: did a conversation about the investigation of a government minister take place between the Premier and the chief commissioner prior to 4.30 p.m. on Monday, 13 October — yes or no?

Honourable members interjecting.

Mr McINTOSH — It is a simple question — yes or no.

Honourable members interjecting.

The SPEAKER — Order! Government members will not behave in that manner.

Mr BRUMBY (Premier) — I should have brought a copy of yesterday's *Daily Hansard* in with me, because that question sounds identical to one that was asked yesterday. As I have indicated to the house and to the honourable member on numerous occasions, the first time that I was aware that Minister Theophanous, the Minister for Industry and Trade, was being investigated, was the subject of a complaint and was being interviewed was on 13 October when he phoned me.

Mr Ryan — On a point of order, Speaker, the Premier is debating the issue. He was asked a question specifically about the phone conversation which took place — the conversation between the Premier and the Chief Commissioner of Police — and he should answer it.

The SPEAKER — Order! There is no point of order. The Premier has concluded his answer.

Roads: infrastructure investment

Mr CARLI (Brunswick) — My question is to the Minister for Roads and Ports. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house of how the government is working with the commonwealth in relation to roads and road safety?

Honourable members interjecting.

The SPEAKER — Order! The minister does not need coaching and barracking from government members.

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Brunswick for his question. Might I say: December cannot come soon enough!

All governments in Australia are committed to improving roads and road safety, reducing road trauma and making our roads much more efficient economic vehicles in order to ensure that the wellbeing of our community is maximised. In Victoria we have had five of the lowest road tolls on record, which effectively translates into 579 lives saved since the introduction of the Arrive Alive strategy right across Victoria.

Last week I had the pleasure of attending the Australian Transport Council meeting in Adelaide. I was present when all ministers there agreed on an intergovernmental agreement to underpin the operation of a new national road safety council, a proposal for which will be put to the Council of Australian Governments for its consideration in early 2009. This is

in addition to our commitment to a national heavy vehicle registration system and COAG's recent endorsement of national public-private partnership guidelines. These are the real benefits of cooperative federalism.

This government will continue to work cooperatively with the federal government, but it cuts both ways. In this time of global uncertainty we want the commonwealth government to continue to show leadership in relation to all infrastructure, including roads. In the last decade all of the states have been increasing their efforts in capital works, but we were disappointed with the previous commonwealth government's commitment in this respect.

Australia's investment in road and rail infrastructure fell from about 1 per cent of GDP (gross domestic product) in the mid-1990s to about 0.8 per cent of GDP in 2002. It did marginally recover to around about 1.3 per cent in recent years but it still lags appreciably behind the GDP commitments and investments of the United States and Canada. Despite contributing 25 per cent of the nation's fuel excise, despite contributing 25 per cent of the nation's population, despite contributing 25 per cent of the nation's freight task, under the previous federal government's AusLink arrangements 16.5 per cent of the national corridor allocations was all Victoria could expect.

After rigorous lobbying, and the election of a much more sympathetic federal government, we have now secured 20 out of 30 priority projects, plus five additional projects that were not even being pursued by the government. That equates to 20 per cent of national transport pricing allocation, but there is more to be done.

Honourable members interjecting.

Mr PALLAS — The hard work never stops on this side of the table. Now is the time for the federal government to reaffirm its leadership and its commitment to infrastructure. We have had more than a decade of underinvestment in infrastructure by the commonwealth.

The commonwealth announced $20 billion for its Building Australia Fund. We expect it to deliver those funds as announced, and to deliver to Victoria its fair share for projects that will deliver more than their fair share of benefit to the nation. We need the commonwealth to live up to its commitment to deliver jobs now and to build for the future. As the Committee for Economic Development of Australia has indicated, and the Prime Minister has noted and endorsed, by investing in infrastructure and removing infrastructure bottlenecks we can lift our economic performance, raise Australia's GDP by 0.9 per cent every year and increase exports by 1.8 per cent and business investment by 1.2 per cent.

Honourable members interjecting.

Mr PALLAS — I can see opposition members are warming to this task. It is good to see they have finally got a voice. As the Prime Minister recently stated, when he addressed the Australian Davos Connection on 7 October:

> The government I lead is committed to an ambitious nation-building agenda. That doesn't mean lifting our infrastructure investment by just a few percentage points. It means delivering a transformational vision for the infrastructure of the 21st century.

In Victoria over the past five years we have spent $14.7 billion on the general government sector alone, compared to the $2.9 billion that the commonwealth has put into Victorian infrastructure in the same period. We are currently in the process of delivering $3.2 billion in road infrastructure, and we have already invested $5.8 billion in Victorian roads including $2.5 billion in regional roads. The commonwealth will find a willing partner in the Brumby government. We will not split hairs — or infinitives — in our willingness to go boldly forward together. As a government we will be tackling our shared and ambitious infrastructure agenda together.

Of course, having quoted the Prime Minister it is quite appropriate to quote the words of John F. Kennedy as well. He said:

> You pay for good roads, whether you have them or not! And it's not the wealth of a nation that builds the roads, but the roads that build the wealth of a nation.

Mr PALLAS — Our investment in our roads will — —

Mr McIntosh — On a point of order, Speaker, the minister has been speaking for a considerable time. I ask you to ask him to conclude his answer.

The SPEAKER — Order! I was hoping the minister was concluding his answer. The minister will conclude his answer.

Mr PALLAS — Our investment in our roads will generate jobs, it will boost the economy and it will ensure Victoria is the best place to live, work and raise a family. We urge the commonwealth to do the same.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Premier. Given the Premier has now had time to consult his staff, when did the Premier's staff first become aware, either formally or informally, that Victoria Police was investigating a government minister?

Mr BRUMBY (Premier) — My attention has been drawn to a question that I was asked yesterday, which was:

> When did the Premier's staff first become aware, either formally or informally, that Victoria Police was investigating a government minister?

I answered the question yesterday.

Mr Mulder interjected.

The SPEAKER — Order! I warn the member for Polwarth!

Public transport: government initiatives

Mr LANGUILLER (Derrimut) — My question is to the Minister for Public Transport. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house of how the state government is working with the commonwealth in relation to public transport?

Ms KOSKY (Minister for Public Transport) — I thank the member for Derrimut for his question and indeed for his interest in public transport in this state. For almost 12 years the Howard government put nothing into public transport. It did not talk about it, and it provided no funding at all for it. For 12 years it was left entirely to the Victorian government to fund public transport, and of course that is what we have been doing. Previous state governments did not see it as their responsibility, but we certainly do. Now it is truly possible to have a partnership arrangement with the commonwealth government — the Rudd government — which has indicated its commitment to investing not only in transport but in major infrastructure projects including public transport where it relates to congestion.

As a government, over the last nine years we have been investing incredible amounts in public transport right across the state. We have had historic levels of investment. We have saved the regional rail passenger service from a very uncertain fate, with more than $1.3 billion being invested in infrastructure, in rolling stock, in reopening lines and also in introducing new services. We have also invested extraordinary amounts in the metropolitan rail services. We have increased the number of services on the metropolitan rail network by more than 1300 services each week. We have electrified the line to Craigieburn.

We are doing infrastructure works at Clifton Hill, Westall, Craigieburn and Laverton to reduce bottlenecks, and we have also invested more than $3.8 billion on public transport, including new stations at Watergardens, Keilor Plains, Marshall, Laburnum, Roxburgh Park, Southern Cross and we have also provided major refurbishment of other stations. We have also provided 2500 new park-and-ride spaces around our rail network. We have ordered 18 new six-car sets. Of course everyone in the house knows that we have saved the regional rail freight network with almost $1 billion in investment now going into that network.

We have made major investments in public transport right around the state and in every mode, and as a result of that investment, patronage on both the metropolitan rail network and also on the regional rail network has responded. There has been a 40 per cent increase over three years on the metropolitan network and a 60 per cent increase on the regional rail service in the past two years, something we are very proud of.

As everyone in the house knows, two years ago Sir Rod Eddington was invited to work with the government to identify the next round of investment and what was needed in terms of further improving our transport networks across Melbourne. At the heart of Sir Rod's report was the importance of public transport to the transportation of people, not only around Melbourne but around Victoria. We are very much looking forward to the federal government reaffirming its commitment to invest, along with us, in the public transport network here in Victoria so that all Victorians can continue to enjoy the public transport system and travelling around Victoria.

PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL

Second reading

Debate resumed from 29 October; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Professional Standards and Legal Profession Acts Amendment Bill 2008 is a bill with two entirely separate purposes. The first of those purposes is to facilitate a framework for

the mutual interstate recognition of professional standards schemes. The second of those purposes is to provide that the legal services commissioner need not seek submissions from legal practitioners or complainants at the pre-investigation stage of a complaint about a legal practitioner. It is a cause of concern to the coalition parties that these two entirely separate matters have been combined in the one bill. The practice of tacking one measure onto a completely separate measure has not served the United States well, and it is not a welcome introduction in Victoria.

We have seen in recent times the government being forced to back off on the attempt to combine matters relating to whistleblowers with matters relating to police regulation. The matters involved in this bill are not of the same degree of seriousness, but it is obviously still an undesirable practice because it attempts to coerce the Parliament into going along with a measure in a bill about which it might not be happy to avoid defeating another element of the bill which the Parliament may wish to support.

In relation to the professional standards amendments in this bill, as I said, they are to provide for a regime for mutual interstate recognition of professional standards schemes. The principal legislation, which the bill amends, was introduced into Victoria in 2003 as part of the government's response to the public liability and professional indemnity insurance crisis of that time, which, as many members will recall, was in many instances making it impossible and certainly very expensive for small businesses and professionals to obtain the insurance cover they needed in order to continue in business. Indeed a number of them were forced to close, in no small measure because of the tardiness of the state government at the time in responding to the crisis as it developed.

The concept of the professional standards regime is outlined on page 4 of the 2007–08 annual report of the Professional Standards Council of Victoria. The council said of these schemes that they:

> … operate for participating members of occupational associations, and:
>
> > recognise those who implement robust risk-management strategies such as complaints and discipline systems, codes of ethics, and continuing occupational education;
> >
> > limit occupational liability for members of occupational associations who carry professional indemnity insurance and/or business assets to the limitation of liability amount; and
> >
> > entitle members of the occupational association to enjoy the reputation of the Cover of Excellence logo.

In short these schemes are in a sense a quid pro quo: in exchange for those participating professionals or businesses under the rubric of their professional or business association undertaking to meet certain commitments regarding risk management, complaints, disciplines, codes of ethics and occupational education, which are of course of benefit to the consumer, those businesses or professionals enjoy the benefit of a cap on their potential professional or business liability.

At the time the original legislation was passed we on this side of the house made the point that it was crucial for a scheme of this sort to be administered and regulated in a way that ensured that consumers received fair value and fair protection in exchange for the limitation on potential liability and potential recovery by consumers that was imposed. That in turn is crucially dependent upon the regulator, which is the Professional Standards Council of Victoria, avoiding what is commonly known as industry capture. We a

made the point that the council has to exercise a degree of vigilance in this, because it will be receiving applications from industry associations, which will be putting forward a case in favour of a scheme the association has developed. Therefore, to ensure the broader public interest, that scheme will need to be very closely and professionally scrutinised.

We also made the point at the time of the original 2003 legislation and in relation to the 2007 amendments that one of the tests of the merits of the scheme is the extent to which it is successful in reducing public liability or professional indemnity insurance costs. At the time of the original legislation the government did not put forward any evidence to demonstrate what sorts of reductions in costs it expected would flow, nor have we since then seen much, if any, evidence or demonstration that reductions in costs have been achieved.

At the time of the original legislation we on this side of the house also expressed reservations about the appropriateness of requiring membership of a professional or industry association in order for a small business, other business or professional person to obtain coverage under the scheme. I also made the point in relation to the 2007 amendments that at that time, despite the legislation having been enacted in 2003, there were no Victorian professional standards schemes in force, based on the information that was then on the public record in the 2005–06 annual report of the Professional Standards Council of Victoria, and that only one application had been received. Based on the information in the 2007–08 annual report, there are now three Victorian schemes in force, one relating to CPA Australia, one relating to the Institute of Chartered

Accountants and one relating to the Victorian Bar. As well there have been a number of schemes approved in other states, particularly in New South Wales, which was the first state to enact professional standards legislation in the 1990s.

When we discussed the 2007 amendments I mentioned the fact that in its 2005–06 report the Professional Standards Council had called for mutual interstate recognition of the professional standards schemes. It is striking to note that wall-to-wall state Labor governments have taken a considerable time to get their act together in relation to this, and indeed Victoria is something of a laggard. New South Wales enacted its legislation on 15 June last year, according to page 18 of the annual report. This is yet another example of very belated action by Victoria's tardy Attorney-General.

The mechanics of the bill are as follows. Clause 7 provides that where a proposed Victorian professional standards scheme expresses an intention to operate in another jurisdiction, the Professional Standards Council must also consider matters which the council for the other jurisdiction would need to consider.

Clause 9 provides that where an interstate scheme is intended to operate in Victoria the minister must authorise the publication of the interstate scheme in the Victorian *Government Gazette*. That means that ultimate responsibility and the final decision in terms of whether an interstate scheme will operate in Victoria will rest with the minister. Clause 11 of the bill provides that where a person is likely to be affected by a Victorian or interstate scheme they are entitled to challenge the scheme in the Supreme Court. Clause 14 provides that the Victorian Professional Standards Council may — either on its own initiative or on the direction of the minister — prepare an instrument terminating the operation of an interstate scheme in Victoria.

Clause 4 of the bill excludes certain types of claims under an interstate scheme, including personal injury claims, from applying under a scheme as it operates in Victoria. It is worth making the point that despite the attempts of the various jurisdictions to achieve interstate recognition there are still significant areas of difference between the professional standards legislation regimes of the different jurisdictions, and that is making national operation of the overall regime difficult. That is one of the explanations, I venture to suggest, for the quite complex mechanisms that have been incorporated into the Victorian bill.

One of the areas of difference between different jurisdictions relates to the extent of coverage of the schemes. The Victorian regime has some exclusions that do not apply in some other jurisdictions. One aspect of those exclusions has been raised with the government and the opposition by the Law Institute of Victoria. The institute draws attention to section 5(1) of the existing act, which provides that the act does not apply to liability for damages arising from death or personal injury, negligence or other fault of an Australian legal practitioner acting for a client in a personal injury scheme or a breach of trust, fraud or dishonesty matter.

I have mentioned some aspects of this exclusion and definitional concerns in previous debate on this legislation. The specific concern raised by the law institute and the proposition that it has advanced is that the provision relating to an exclusion of negligence or other fault on the part of an Australian legal practitioner acting for a client in a personal injury claim should be removed. The institute argues that is both in the public interest and will help achieve greater interstate consistency. This is not an issue on which the opposition has a concluded view but we would certainly welcome the government's assessment of the arguments that have been put by the Law Institute of Victoria and its response to those arguments.

I turn now to the second part of the bill, that relating to the amendments to the Legal Profession Act 2004. Those amendments have been introduced with the intention of overturning a decision of the Court of Appeal in the case of *Byrne v. Marles and Anor* (2008) VSCA 78. The bill provides that at the time of notifying a practitioner of receipt of a complaint and of the terms of that complaint the legal services commissioner is not required to give a practitioner the opportunity to be heard or to make a submission on how the complaint is to be dealt with — whether to treat the complaint as a disciplinary complaint, a civil complaint or both. The bill also provides that the commissioner is not required to give a complainant or a law practitioner an opportunity to be heard or to make a submission before exercising his or her powers to summarily dismiss a complaint.

The decision of the Court of Appeal in *Byrne v. Marles and Anor* was quite a lengthy one that was decided on a wide range of grounds, but the grounds that have given rise to the amendments in this bill are based on the court's conclusion. I quote from the judgement of the appeal judge, Justice Nettle:

> … it appears to me that the statute evinces an intention that the commissioner should give notice of a complaint to the solicitor more or less immediately after receipt, and then take into account anything about the complaint which the solicitor may wish to submit, before determining whether to dismiss

> the complaint summarily or to go on to investigate it further or to refer it to the institute for investigation.

Later, His Honour said:

> … it appears to me as a matter of statutory construction that the structure and operation of part 4.2 imply an expectation that the commissioner will give the solicitor a right to be heard at the outset before making the preliminary decision for which … 4.2.10 provides.

Later on His Honour gave some guidance as to how he considered that this right to make submissions would operate. His Honour was responding to submissions that the interpretation he favoured would cause detrimental effects to the efficiency of the administrative process set up by chapter 4 of the act. In relation to that, His Honour said:

> One may also doubt that recognition of the solicitor's right to be heard at that stage would result in the sorts of inefficiencies which the commissioner fears. The content of natural justice is variable according to the circumstances of the case and, in the ordinary case, it should not require much more than the commissioner inviting the solicitor to respond to the complaint and specifying a relatively short period of time (perhaps no more than a week after giving notice) in which any such response should be provided. In other kinds of cases, for example in cases of real urgency, or where the giving of notice would likely lead to the destruction of evidence or something of that nature, the content of natural justice might be reduced; in some cases perhaps even to the point of effectively abrogating it altogether. All in all, there should be few cases in which there is much of a problem.
>
> In my view the appellant did have a right to be heard by the commissioner before she determined to treat the complaint as a disciplinary complaint and to refer it to the institute for investigation. Consequently, I consider that the commissioner's failure to accord the appellant an opportunity to be heard at that point was a denial of natural justice.

It is clear from what I have said that the Court of Appeal envisaged the opportunity to make submissions that it believed was the Parliament's intention to provide, on the basis of its construction of the statute, was a limited opportunity which the court did not anticipate would cause any considerable difficulty to the legal services commissioner in carrying out her functions.

One has to say that it is not clear that restricting the right to make preliminary submissions to the commissioner is necessary or would cause an unreasonable disruption. One can readily imagine a situation where in fact it could operate beneficially because the solicitor being given an opportunity to respond could point out matters that might not have come to the attention of the commissioner or that could rebut the substance of the complaint, or could indeed produce documents that were quite conclusive in rebutting the prima facie case that a complainant might have otherwise appeared to have established.

However, having said that, it is also fair to say that further on in the process there will be opportunities for a solicitor or indeed another legal practitioner to respond to claims that have been made against that practitioner. Certainly overall there is not going to be a denial of justice. Ultimately it is a question as to what is the most appropriate and effective way in which to structure the complaints process.

Our main concern on this side of the house arising out of *Byrne v. Marles* is the way both the legal services commissioner and the Legal Services Board have reacted to it. More generally this adds to the concerns that we have had previously about some aspects of how the commissioner and the board have been operating.

It appears that when this decision was delivered by the Court of Appeal it led to a halt for some considerable period of time in the progressing of complaints received by the legal services commissioner and there was quite a period of consternation in which the commissioner was not able effectively to react to that decision. Certainly the commissioner's annual report for 2007–08 highlights this decision as being the cause of major disruption and consternation during the course of the 2007–08 year.

I have certainly appreciated the willingness of the legal services commissioner and the Legal Services Board to keep me, as shadow Attorney-General, informed on a non-partisan basis of the work they are doing. However, I am concerned about the numbers of complaints and expressions of dissatisfaction that I am receiving, including from practitioners, about the handling of some cases by the Legal Services Board and legal services commissioner regime.

In particular quite a consistent theme of the complaints I am receiving is the allegation that the structure is a bureaucracy that does not deal effectively with complaints and simply shunts large numbers of complaints on to the professional associations for further investigation but with a considerable delay before doing so. When one has regard to the annual reports of the legal services commissioner and the Legal Services Board, there is ample material that adds to that concern.

In relation to the Legal Services Board, I refer to the 2008 annual report and in particular the chairperson's report and the message from the chief executive officer on pages 3 and 4. In those items there is a lot of talk about process but not a lot of talk about results actually

being achieved. The chairperson talks about working in cooperation with legal regulators, about regularly consulting with delegates and liaising extensively. He talks about continuing to develop and refine policies and procedures. He talks about the number of policies on internal business processes completed and says that work was commenced on a suite of policies. He says the board oversaw the creation of a new committee that launched a grants program. These are hardly striking examples of achievement as distinct from process.

The message from the chief executive officer highlights the strategic plan for the year — the board had undertaken a process to regularly monitor the implementation of the strategic plan — and talks about the development or renewal of a range of other plans or policies, saying that 20 tools to support good governance practices had been identified. The message says that the board continued to maintain a rigorous approach to budgeting and had deployed a new website. Again these are very process-focused matters that are identified as achievements of the board.

In relation to the commissioner, I have to say that the statistical information about the handling of complaints as provided by the commissioner, although being quite extensive, is not particularly easy to follow. It is not necessarily easy to understand exactly what is happening to the workflow; however, it does appear that a backlog is accumulating, and this certainly happened during the course of 2007–08. In that year the commissioner received 2033 new complaints and closed 1893 files, which implies an increase in the backlog of 140 cases. Page 46 of the report talks about the complaints outstanding, and it appears that the number of complaints outstanding has risen to 844 from 682 in the previous year.

The commissioner talks about the Byrne decision as being one of the reasons contributing to the increase in the backlog. To some extent that is reasonable. However, it seems to me that it took the commissioner longer than I would have expected to work out how to revise her procedures in order to deal with the implications of the Byrne decision based on the reasons that His Honour Justice Geoffrey Nettle gave.

The decision did not require extensive opportunity for practitioners or others to make submissions. His Honour spoke about a week or so. I would have thought that the commissioner could have gotten revised processes in place quite quickly. However, I know from correspondence I have had from one particular complainant, Dr John Helmer, who has had already had a long series of concerns about the handling of his complaint, that he found his complaint appeared to have been put on hold almost indefinitely as a result of the decision. I am pleased to say the consideration of that complaint has now resumed although Dr Helmer remains very concerned about the way in which it is being handled.

While the opposition parties do not oppose this bill, it is clear from the matters I have put before the house that the state Labor governments have not shown any particular expedition in their work to promote and advance a professional standards regime, assuming they continue to support such a regime. If they do so, it looks like they will need to put a considerable amount more work into it than has been done so far.

Secondly, I believe the Attorney-General needs to give attention to the way in which the legal services commissioner and the Legal Services Board regime is operating and needs to be prepared to act to improve it, given the number of complaints that are being made and the expressions of concern that are being raised about it.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Professional Standards and Legal Profession Acts Amendment Bill. This bill is further evidence of the Brumby government's, and the very progressive Attorney-General's, drive to cut red tape and modernise the legal system in this state; and very importantly, to keep down the costs of justice in this state for consumers.

The Professional Standards Act was passed in 2003 as a part of the national tort law reforms which were enacted as a response to the so-called insurance crisis which occurred early in this century because of the downturn in the global insurance market and was further precipitated by such catastrophic events as 9/11 and, more locally, the collapse of the HIH Insurance Group in Australia. These matters caused significant difficulty for individuals and businesses seeking public liability insurance cover and professional indemnity insurance cover.

This professional standards framework was put into place as a response to those events and was part of a national legislative solution progressed through ministerial meetings about insurance issues. Those meetings comprised treasurers and finance ministers, and there were also meetings of the Standing Committee of Attorneys-General, and they worked to dilute the impacts of the crisis. Its purpose was to continue access to those types of covers and facilitate more affordable insurance cover for the professional associations by capping their total liability for economic

loss. This was done in return for the associations complying with higher minimum service standards to reduce the cost of negligence.

The bill before the house implements national model provisions agreed to by the Standing Committee of Attorneys-General for mutual recognition of professional standards schemes. Mutual recognition makes it cheaper and more efficient for professional standards schemes to operate on a national level, which is of course beneficial to those professionals and their clients. These amendments have already been passed by other jurisdictions, including New South Wales, the Australian Capital Territory and the Northern Territory. It is expected that the remaining jurisdictions will adopt these amendments in the near future. The legislation is well supported by the Victorian Bar Council, the Law Council of Australia and the Law Institute of Victoria amongst others.

In relation to the amendments to the Legal Profession Act, this act was created in 2004 to implement a simpler, more cost-effective legal system for the benefit of consumers of legal services and the legal professions alike. It established a single gateway for investigating complaints against lawyers. As the Attorney-General referred to in the second-reading speech, there has been a need to clarify the role of this act and the role of the legal services commissioner following a recent decision by the Court of Appeal in the case of *Byrne v. Marles and Anor*. The court ruled that the commissioner had denied a legal practitioner natural justice when the commissioner did not give the practitioner the opportunity to make submissions at the pre-investigation stage of the complaint handling process when a complaint had been lodged against that practitioner. As a result of this decision, the commissioner must now allow all practitioners to make submissions prior to the commencement of the investigation on the issues. This is against the original intent of this act. It will now slow down the processing of complaints, increase the cost and cause confusion for both consumers and legal practitioners alike.

The commissioner may be perceived as biased in favour of practitioners by providing only practitioners with the right to make submissions at this stage. The amendments to this act, if passed, are not retrospective so that the case I referred to will stand. But the bill, if passed, will obviously make changes in the future to revert to what was the original intention of the bill. Victoria's professions welcome this aspect of the bill. The government has consulted widely with various associations such as the Victorian Bar Council, the Law Institute of Victoria, the Law Council of Australia, Professions Australia and the Insurance Council of Australia. All have offered support for these amendments.

I am pleased to see that my opposition colleague the member for Box Hill, who spoke at length prior to my joining the debate, indicated his support for the bill. It was interesting to me that the member for Box Hill raised concerns about amendments to the Professional Standards Act and the Legal Profession Act being debated together. He thought this was a curious thing to do. I find his concern about that somewhat curious myself in that we listened to the bleating of the opposition yesterday and witnessed its opposition to the government business program. I just do not understand why opposition members think they can have it both ways. It is always too hard, too much work.

The SPEAKER — Order! I think the member may have strayed from the bill before the house. I ask her to return to the bill.

Ms GREEN — I again welcome that the opposition is supporting this legislation, but there is always a sting in the tail with the opposition. It can never support a bill before the house and do the right thing by the community and actually show the community that we can work in a collaborative way in this place for the benefit of both legal professionals and consumers. The bill before the house is just another example that we take these matters seriously. It is important in light of the world economic situation that whatever legal regimes we have in operation are simple and cost-effective and easy for people to understand.

It is also evident that the Attorney-General and we as a government have been prepared to be part of reform and to drive reform where there are serious issues that face professions and face the economy, and that we can cooperate effectively with other jurisdictions, whether at the state or federal level. I think that is the least the community can expect from us — that we cooperate and make it easier for professions to work across state boundaries to deliver good outcomes. With those words, I again express my support for the Professional Standards and Legal Profession Acts Amendment Bill and wish it a speedy passage.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Professional Standards and Legal Profession Acts Amendment Bill. I might say to clarify a point for the member for Yan Yean that, funnily enough, this is a Parliament where parties come together, as do Independents. Those who are elected come to this place on a basis that not only are they entitled to put a point of view but also that it falls to them as a matter of their responsibility as

parliamentarians to put a point of view. Whilst the member for Yan Yean might like to think we all turn up as a cheer squad to offer salutations and greetings to the government and then do nothing else, such is not the case. We are here to put a point of view, and we will continue to put it without apology either to the member for Yan Yean or any other member of the government.

We do not quibble with the essence of what is contained in the bill. We do not have any concern about it. The principal legislation in this was born of a process in relation to which The Nationals had a very pivotal role going back several years ago to when issues to do with insurance premiums, particularly in the case of people who were involved in circumstances where personal injuries might occur but also in those situations where people in different sorts of business and in different professions might also be exposed to litigation and therefore had to pay premiums for insurance cover, were the subject of plenty of discussion in the public arena. It was of great concern to many members of the public, to The Nationals, to the Liberal Party, to the Independents and, in fairness, to the government, that something needed to be done to address the issue.

Insofar as personal injury claims themselves are concerned, we saw the tranches of legislation — I think from memory there were three of them — that were eventually passed to modify the way in which personal injury claims could occur in Victoria. That in turn flowed through to a change in the levels of premiums applicable to individuals and organisations who sought to have insurance cover in the state. That was a welcome thing.

Insofar as those involved in professional activities were concerned, they also went through a similar process of an examination of what might be necessary for the purposes of establishing structures that would permit them to continue their professional activity while also making sure that the proper balance was struck for those who wanted to pursue actions against those persons on the basis of their having committed some act of negligence or having not properly otherwise discharged their roles and duties in the eyes of the law. Out of all of that rather convoluted process came the sort of structures that are reflected in the Professional Standards Act.

Insofar as the Legal Profession Act is concerned, the issues surrounding that particular area of practice have been present for many years, and an element of this bill makes a relatively minor change to that act. However, that change is not of the general nature and extent of the changes made to the Professional Standards Act. Those changes are driven by a basic intent from all jurisdictions, as far as it can be done, to have harmonisation of the way in which these schemes operate right across Australia and as closely as can be done to get to a point of having uniform legislation that applies throughout the different jurisdictions. I hasten to add that this is not uniform legislation of the nature that is so often introduced and debated in our Parliaments throughout Australia. However, it is perilously close to it, and what is intended by the terms of this bill is to make further refinement so that right throughout Australia — and certainly within Victoria — there will be mechanisms in place that will enable mutual practice across the borders of the different jurisdictions so that we can get as much as possible harmonisation between those who are involved in respective professional activities.

The essence of the bill is that where there is a Victorian scheme which is intended to operate in another jurisdiction, the Victorian council, which has been established under the Professional Standards Act, has to consider not only the matters that are set out under the Victorian act but also any other matters that a council of another jurisdiction would have to consider under the corresponding legislation of that particular jurisdiction, whatever it might be. By definition, therefore, there will be more of a position of commonality between the way in which the respective schemes operate. Similarly, where there is an interstate scheme which is intended to operate in Victoria, changes are going to be made to achieve the same result here as the second primary amendment.

Where there is a person who is or is likely to be affected by the Victorian or an interstate scheme, that person will have the right under the terms of this bill to make an application to the Supreme Court to accommodate what the individual concerned believes to be an inappropriate application of the scheme. The rights in that sense are preserved. Furthermore, the Victorian council will be entitled, on application by whatever might be the relevant occupational association, either on its own initiative or through the direction of the minister, to prepare an instrument which will effectively terminate the operation of an interstate scheme in Victoria. That form of provision is always important in these cases, because come what may, and despite the quite laudable endeavour to have harmonised schemes providing mutual operation across Australia it is important that Victoria retains ultimate control of what is to occur in the case of the structures of legislation of this nature.

These forms of legislation are particularly appropriate in relation to cross-border anomalies. I do not intend to

address that subject at any length, because I know my colleague the member for Mildura will be anxious to make some comments in relation to it. He will very probably be ably assisted by the father of the Parliament, the member for Murray Valley, who has had more than a passing interest in this matter since about the time that Captain Cook stepped ashore. I am looking forward to the contributions by those respective members.

Insofar as the amendments to the Legal Profession Act are concerned, they accommodate the determination of the Court of Appeal in the matter of *Byrne v. Marles and Anor*. Importantly that decision is preserved. Therefore effectively this amendment is prospective and not retrospective, and it means that the rights of those that are reflected in that Court of Appeal decision are preserved. That is a very important element of amendments such as these, that it does not operate on a retrospective basis. This means that the legal services commissioner will not be required to seek submissions from legal practitioners at the pre-investigation stage of the complaint handling process. As I understand it, that will preserve the legal services commissioner's entitlement to dispatch applications at that preliminary stage if he or she should so desire. It means that therefore the issue which arose in *Byrne v. Marles and Anor* will no longer arise because it will have been legislated out of existence.

I must say that while I appreciate this, in a sheer practical sense there is some doubt remaining to this day as to whether this is actually necessary from the perspective of this legislation. It will enable these matters to proceed in a manner which perhaps would have been more difficult and time-consuming than had been originally intended when the legislation was established. Accordingly, the coalition is not opposed to this legislation.

Mr STENSHOLT (Burwood) — I rise to support the Professional Standards and Legal Profession Acts Amendment Bill 2008. As other speakers have pointed out, we are dealing with professional standards across the board as well as a specific issue in regard to the legal profession. I believe this is sensible legislation. It assists with the smoother functioning of the business of professions. Particularly in regard to professional standards we are looking at model provisions for the application of interstate systems on very much a level playing field here in Victoria.

The model amendments to the Professional Standards Act allow members of interstate occupational associations who are covered by an interstate professional standards scheme to practise in Victoria with the benefit of that interstate scheme. There are a range of provisions in the act in regard to what has to be done in order for this to happen, insofar as the Victorian council has to consider all relevant factors in terms of the requirements of the corresponding legislation in another jurisdiction, how the Victorian scheme will apply in the context of that jurisdiction, and a range of other matters which suggest it should be considered in their application.

One point I must admit is that the bill also applies some restrictions. It actually prohibits members of schemes from contracting out of those schemes. I notice that in some other schemes, particularly in regard to the previous federal government covering the rights of people, whether they be companies or individual practitioners or clients or employees, members of schemes can sometimes opt out. This leaves some doubt as to the viability of these particular schemes, particularly when they are involved in insurance. I am pleased about the restrictions, including the prohibition on members of schemes contracting out of the scheme, because we all know what happened with the previous federal government regarding people contracting out of WorkCover schemes.

I should note that there is pretty strong support for these particular arrangements from across the board. For example, the chairman of the Victorian Bar, Peter Riordan, said in a letter:

> The Victorian Bar supports the amendments to the Professional Standards Act proposed to be made by the bill.

The secretary-general of the Law Council of Australia, Bill Grant, said in response to the consultation phase that the LCA was:

> … generally satisfied the amendment as drafted will achieve the primary objective to which it is directed … Further the law council commends the Victorian government Department of Justice in taking prompt action to recognise the advantages for the early introduction of the amending provisions.

I am not too sure whether the member for Box Hill has had the advantage of reading that particular letter.

Anthony Burke, the president of the Law Institute of Victoria (LIV) said that it:

> … welcomes the opportunity to provide comments …

He also said it:

> … commends the in-principle agreement by the Standing Committee of Attorneys-General (SCAG) to implement a model mutual recognition amendment into professional standards legislation of the states and territories.

From a broader perspective, he went on to say:

> … the LIV is of the view that it is critical that there is national legislative harmonisation in professional standards legislation.

I have spoken before on harmonisation in various areas and I agree that there is a need for continuing work on harmonisation. A lot of work in this regard is continuing in a Council of Australian Governments situation in a whole range of regulatory areas, and of course the Victorian government is pursuing the reduction of red tape. This harmonisation is part of the aspect of reducing red tape and the costs of doing business, and I commend that particular work.

I also note that Malcolm Farrow, the chief executive officer of Professions Australia said of the bill that his organisation:

> … looks forward to it coming into operation as soon as is practicable.

John Anning, the general manager, policy, of the regulation directorate of the Insurance Council of Australia, said:

> We have discussed the draft bill with the insurance council's professional indemnity insurance committee. We can advise that the insurance council supports the bill …

The government very much appreciates the support across the board and the comprehensive arrangements that have been put in place in terms of consultation on the professional standards arrangements in this particular bill. These amendments have already been passed by the parliaments of New South Wales, the Australian Capital Territory and the Northern Territory and it is expected that the remaining jurisdictions will adopt the amendments in the near future.

The other part of the bill deals with the Legal Profession Act. Like the member for Box Hill, I refer to the 2008 annual report of the legal services commissioner, but I will not go down the trail of giving a dissertation on the commissioner because I am sure you, Acting Speaker, would not allow me to do so because it is not on the bill. This is even though the member for Box Hill attempted to do so while saying he did not have enough time to actually consider the two matters together, which is a bit unfortunate.

On page 35 members will find a discussion of the recent changes to the complaint handling process which came about as a result of the Victorian Supreme Court case of *Byrne v. Marles and Anor*. The report states:

> On 16 May 2008, the … Court of Appeal handed down a decision which stated that the Legal Services Commissioner, on receiving a complaint, must invite preliminary submissions from the legal practitioner about how to classify the complaint and whether it should be summarily dismissed.

It goes through the facts and decisions, and refers to what the commissioner has to undertake in the future in order to deal with this judgement of the Court of Appeal.

The bill before us today serves to deal with and clarify the issues raised in that Court of Appeal judgement, and to make it easy. I should note that there was a response from the Legal Services Commissioner to the proposed amendments in this bill. The commissioner said she is pleased there is an amendment to the Legal Professional Act to deal with the decision of the Court of Appeal, and went on to say:

> this decision has had a significant impact on my office and the way complaints are handled.

She has supported it, as has the Law Institute of Victoria.

Both sets of amendments in this bill serve to improve the functioning of the law in respect of mutual recognition and of dealing with complaints that come forward about the legal profession. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the Professional Standards and Legal Profession Acts Amendment Bill 2008. The purpose of the bill is to facilitate a framework for mutual interstate recognition of professional standards schemes and to provide that the legal services commissioner need not seek submissions from legal practitioners at the pre-investigation stage of a complaint.

I will focus on some of the main provisions and leave some of the more technical and legal stuff to the lawyers in the house. I believe the main provisions are those which will stabilise the professional indemnity premiums. The annual fees that are paid in each state by the professions are passed on to their clients, and thus there are difficulties with higher costs to access their services compared to elsewhere in any other state.

The Professional Standards Agreement 2005 committed to harmonising the standards within the legal profession. As we can see in the second-reading speech and in the bill, that is not without difficulty, and by no means is this an ideal piece of legislation to match with the other areas, as some complexities and difficulties remain.

In the second-reading speech the minister used some key words for people who have electorates along the border. He said that facilitating mutual recognition is

common sense, and that is ever so true. I see that the Minister for Public Transport is at the table. If the Acting Speaker were not here I would be very tempted to go at some length into transport difficulties — axle loadings, length, weight, hay and so on — but perhaps that can happen at another time.

In the border regions this common-sense approach needs a hurry up. There are huge numbers of outstanding issues out there. A cross-border anomalies committee is at work. It has met and has laid out the task, but there is so much to do in matching cross-border schemes. It gets more and more frustrating every day.

The costs that occur which affect the efficiency of the legal profession affect everything. In the building industry, plumbers who come to me regularly say that the tickets you need in building and construction vary from one state to the other, as there is not mutual recognition. Sending someone who does not have a ticket from one side of the river to the other to do a small job with a machine causes no end of difficulties.

That leads me to the other area, which is the mutual recognition of even the assessors who train people on and grant accreditation for the machines. They have their own problems about being recognised across state borders. This is costing us. In times of drought businesses are looking further afield in country areas to sustain themselves, so they need to look at going to other states. With where the Mildura electorate sits, often they are looking at three lots of tickets with three lots of complications, and that affects their ability to successfully bid for a lot of contracts elsewhere in order to keep their businesses running and keep families in Mildura. These issues have taken a long time, probably too long, to solve. They have been a cause of continued very costly frustration in border communities.

There is one area that may be of assistance, which I know is not covered here. The citrus industry some years ago overcame the cross-border issue by using what is called the extra-territorial power. With the complexity this bill with regard to mutual recognition, the use of the extra-territorial power could be well worth considering, as there could be mutual recognition across a number of issues. As far as the citrus industry is concerned, Victoria has extra-territorial power to raise levies and deliver services into New South Wales. That struck a complication because it meant that Victoria set a tax rate interstate. But the use of the extra-territorial power overcame that issue. If we get bogged down with some of the other issues, it is a strategy that may be of some use.

This bill is one step further down the way. We have dealt with and aligned the medical and health professions to overcome their difficulties, and now we are doing it for the legal profession. We have got to be wearing the list down, but we just need to do it more quickly because of the economic costs incurred by border communities. I am sure I could go on. The member for Murray Valley no doubt would, should and has done on a number of occasions, and I pay tribute to the member, who quickly got me up to speed on some of these issues.

In commending this bill to the house, we need to hurry up and keep the process moving. There are a lot of other trades and professions out there which have costly impediments because they are on the border.

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to speak on the Professional Standards and Legal Profession Acts Amendment Bill 2008. It is clear that the Professional Standards Act was passed as part of the national tort law reforms in 2003, a point which has been made already but which is important to highlight to the house.

The bill implements the national model provisions agreed by the Standing Committee of Attorneys-General (SCAG) for mutual recognition of a professional standards scheme. Why we are here and part of the reason we are debating this legislation is the Court of Appeal ruling in *Byrne v. Marles and Anor*. The Court of Appeal ruled that the commissioner had denied Mr Byrne, a lawyer, natural justice when the commissioner did not give him the opportunity to make submissions at the pre-investigation stage of the commissioner's complaint-handling process. We in this house, who are charged with noting such decisions and assessing whether the law needs to be changed, have this new legislation that will help clear up matters raised in that particular case.

I want to go to just a couple of clauses rather than the entire bill. In the time available to me I want to look particularly at clauses 20 and 22 and make some comments about procedural fairness for practitioners.

With clause 20 of the bill we need to look at the effect of the amendment, which is a statutory review of section 58 of the Professional Standards Act, and why the section is being amended. It is important for us to note that section 58 was originally inserted into the act to ensure its objectives and operation were reviewed five years after its commencement. That is something we do on a fairly regular basis in this house — that is, look at legislation five years' hence. It was appropriate to include a statutory review clause in the Professional

Standards Act to ensure that its policy objectives were being met.

To refresh people's minds in relation to those objectives I refer to the following three in particular. The first was capping occupational liability and improving professional standards to reduce the risk of negligent occupational practice, thus minimising unnecessary litigation, something with which we would all wholeheartedly agree. The second was to provide greater assurance to professional service providers and their insurers, which is also a very important aspect; and finally, to facilitate greater and more affordable levels of cover.

The amendment to section 58 of the Professional Standards Act will defer the commencement of the review period from five years from the date of commencement to six years. It is clear from the debate that people understand the reason for that. It is important because the proposed amendment will allow the review to be completed by 8 June 2011. We acknowledge the extensive work done by SCAG since 2004 to create a nationally consistent approach to administering the legislation and streamlining regulations.

The member for Mildura outlined the importance of cross-border issues in relation to this, but it is not just cross-border issues. As lawyers, solicitors and barristers increasingly do work through Australia and Australasia, the more our legislation is consistent, the less cost there will be. There will be greater efficiency, and in the end the consumer will get better value for money.

I move now to clause 22 of the bill relating to the repeal of section 57(4) and schedule 4 of the Professional Standards Act. Members may remember that schedule 4 was originally enacted to set out interim provisions prescribing fees for participating occupational associations and the prescribed form of limited liability disclosure a member scheme must have on its business materials. These interim fees were based on New South Wales fees.

We now come to a situation where the Professional Standards Regulations 2007 were made and gazetted on 7 November 2007. If we look at those regulations, we see that the current fees applicable to occupational associations reflect a SCAG decision of 2006 to establish a uniform fee framework and a nationally consistent prescribed form of limited liability disclosure. As a result, both section 57(4) and schedule 4 are now redundant and can be repealed.

I want to make a couple of closing comments in relation to amendments affecting procedural fairness for practitioners. Procedural fairness, also known by some as natural justice, requires that a person whose interests are to be affected by a decision, whether adjudicative or administrative, must receive a fair and unbiased hearing before the decision is made — something, one might say, that is perhaps a no-brainer; it is natural justice. It is a clear principle of administrative law that persons are entitled to be heard prior to an administrative decision which affects their rights or interests being made.

When we look at the context of disciplinary proceedings, this right to be heard usually relates to the substantive hearing and determination of an inquiry into a person's conduct and not to the decision to commence that inquiry. However, this is dependent on the requirements imposed by the legislation in question; this is where we come back to the bill before the house.

With those comments I want to sum up that in the Court of Appeal decision the court determined that legal practitioners who are the subject of a disciplinary inquiry under the Legal Profession Act are entitled to be heard on whether the commissioner should commence a disciplinary inquiry. That brings us to why we are here — that is, because amendments to the Legal Profession Act are urgently required to clarify the legislation. I commend the bill to the house and wish it a speedy passage.

Mr PALLAS (Minister for Roads and Ports) — In summing up I would like to thank all members who have contributed to the debate on the Professional Standards and Legal Profession Acts Amendment Bill 2008, in particular the members for Box Hill and Yan Yean, the Leader of The Nationals, and the members for Burwood, Mildura and Pascoe Vale. This bill deals with the increasing rigour that we as governments need to direct towards the development of professional standards, and our need to ensure that those standards are not only relevant to a modern community's needs but also recognise the increasing requirement for cross-border facilitation of those standards.

The amendments to the Professional Standards Act 2003 will implement model arrangements agreed by Standing Committee of Attorneys-General in 2007 for the establishment of a national framework for mutual recognition of state and territory professional standards schemes. The relevant amendments to the Professional Standards Act will change the provision mandating a review of the act and the policy arrangements underpinning the review from five years from the date of commencement of the Professional Standards Act to

six years from the date of commencement, and also make appropriate minor law revisions.

In addition, the amendments relating to the Legal Profession Act 2004 seek to clarify that the legal services commissioner is not required to take submissions from lawyers at the pre-investigation stage of the complaint-handling processes when a complaint has been lodged against a practitioner.

This legislation delivers not only relevant arrangements for professional standards but it recognises the increasing cross-border and national nature of many of the skills we as a community desire to see remain capable of broader utility. I commend the bill. In doing so I note that it has substantial support from professional organisations, which a number of speakers in the chamber have identified. I think the harmonisation work and the continuing work, specifically the capacity for the state to oversight the recognition of professional standards, is a valuable contribution to the development of this legislation. I commend the bill to the house and wish it a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

PUBLIC ADMINISTRATION AMENDMENT BILL

Second reading

Debate resumed from 29 October; motion of Mr BRUMBY (Premier).

Mr CLARK (Box Hill) — The Public Administration Amendment Bill 2008 is a bill that makes a range of changes to various aspects of public sector administration including amendments to the Public Administration Act 2004, the Ombudsman Act 1973 and the Project Development and Construction Management Act 1994.

Probably the most extensive of these three sets of amendments is that relating to the Public Administration Act 2004. A range of those amendments relate to powers of employers to deploy or redeploy staff in various ways.

Clause 9 enables public entities to transfer employees to public service bodies. Clause 10 enables the Premier to transfer employees when functions are transferred to or from a public service body. Clause 11 enables public service body heads to assign duties to employees. There is also a broadening of the definition of misconduct for the purposes of the act effected by clause 3. Clause 14 enables the Premier to declare an emergency situation and regulates the manner in which he or she may do so. Following any such declaration a public sector head is given the power to assign any duties to an employee and to direct where an employee is to work.

Clause 13 gives express power to the public sector standards commissioner to recommend improvements to public sector heads and to require heads to give explanations if any such improvements are not implemented. Clause 5 repeals the current provisions relating to probationary employment, and clause 7 expressly requires the Premier's approval for the remuneration levels that are to apply certain senior executives.

While some of these changes relate to good administration and may make some administrative improvements, there are also a number of changes that cause us concern. I suppose central to those are the provisions that affect the rights of public sector employees. Those concerns arise not only from the changes being made by the bill but also from the provisions in the principal act — the Public Administration Act 2004. Many members will recall that members on this side of the house opposed that legislation for a wide range of reasons, and the concerns we expressed then continue.

In relation to employees a combination of the provisions in the existing act and the amendments made by this bill give the government enormous power to control employees — that is, to control public servants and to subject them to a range of detriments. I single out clause 6, which proposes to substitute new section 22 in the Public Administration Act, which will provide that the regulations may:

(a) establish procedures for dealing with allegations of unsatisfactory performance, misconduct and serious misconduct; and

(b) empower the imposition of penalties for misconduct or serious misconduct which may include reduction in salary or classification or both, suspension or dismissal.

The new section proposed in clause 6 needs to be read in conjunction with a new definition of misconduct

which is proposed to be inserted into section 4 of the act. I will not read the entirety of the definition, but in part under misconduct it includes:

> (a) a contravention of a provision of this act, the regulations or a binding code of conduct;
>
> …
>
> (c) a contravention, without reasonable excuse, of a lawful direction given to the employee as an employee by a person authorised …
>
> (d) a refusal by an employee to perform duties assigned to the employee …

These are quite far-reaching grounds for constituting misconduct. If misconduct is constituted then there are powers that can be conferred under the regulations that include the imposition of penalties, which may include a reduction in salary or classification or both, suspension or dismissal. I should say that in effect clause 6 of the bill proposes to rearrange the wording of the existing section 22(1) of the act, which currently provides:

> The regulations may establish procedures for dealing with any allegation of misconduct on the part of an employee and empower the imposition of penalties for misconduct which may include reduction in salary or classification or both, suspension or dismissal.

Current subsection 22(2), which is a specification of the meaning of misconduct, is replaced by the new definition that I mentioned earlier.

What is striking, taking both the existing act and the amendments, is the sweeping nature of the power over public sector employees which the government has under the existing act and which it proposes to continue in a revamped form under the bill. It is in striking contrast to some of the language that was used by government members when they were in opposition. I refer in particular to the comments made by the then shadow Treasurer, the member for Williamstown, Mr Bracks, on the Public Sector Management and Employment Bill, which was debated in the Assembly on 12 May 1998. His comments were echoed by other speakers for the then opposition, including the then Leader of the Opposition, the current Premier. Mr Bracks took exception to the powers that were contained in clause 31 of that bill. He stated:

> Effectively this strengthens the ability of department heads to summarily dismiss employees on a non-executive level almost at whim.

If we look at the provision that Mr Bracks alleged gave rise to that power, we see that he talked about clause 31(1)(i) of that bill, which stated:

> The appropriate agency head may terminate the employment of a non-executive employee … for any other reason consistent with the terms and conditions of his or her employment.

I should say for the sake of completeness that there is also a power of dismissal if the employee was guilty of serious misconduct. Those were the provisions that the then opposition took exception to. It said they undermined the independence of the public service. I make the point that apart from serious misconduct, which has its own common-law meaning and if challenged would need to be the subject of proof before an independent tribunal, the ground that Mr Bracks took exception to was:

> … other reason consistent with the terms of conditions of his or her employment.

Again, I make the point that that provision basically meant that a public servant could not be dismissed unless it was consistent with the terms and conditions of his or her employment. Contrast that with the power that the Labor Party saw fit to give itself in the 2004 act and to continue with this bill, because a public servant receives no protection from their terms and conditions of employment under that regime. The regulations may provide for the imposition of penalties, including a reduction in salary or classification or both or suspension or dismissal for a range of grounds, including some of those I mentioned earlier such as the contravention of the binding code of conduct.

I make the point that the potential for the deployment of binding codes of conduct is replete in the Public Administration Act. It is one of the principal instruments of control and direction of the public service, so it would be relatively easy for an employee to be guilty of a transgression of a binding code of conduct, and indeed potentially it would be easy for an employee to get into dispute about whether or not the duties they have been directed to perform are duties that have been properly assigned to them, and likewise in respect of alleged lawful direction. These relatively limited transgressions are ones under which the government is giving itself by regulation the power to lead to the dismissal of an employee.

One need only ask oneself what would be the reaction of those on that side of the house to any suggestion that there be an employment regime that gives such powers to a private sector employer. We had day after day an attack from the other side of the house on the WorkChoices legislation and other workplace reforms of the previous federal government, which had built into them extensive protections for employees based around not only the terms and conditions of

employment but also statutory safeguards. Even that attracted the ire of those on the Labor side of this house, yet now, without so much as a blush, government members are proposing to continue under this bill the very sweeping powers that the government has given to itself under the existing act. It is a case of saying one thing at one time and then when you get the boss's job yourself having an entirely different attitude to the employees who have to work for you.

Many things that former Premier Mr Bracks said in the course of his remarks on the Public Sector Management and Employment Bill would apply in spades to the legislation that is currently applicable and will continue to apply. Yet his remarks were not justified when levelled at the 1998 legislation, under which an employee's rights were always safeguarded under his or her contract of employment.

Our concern about this aspect of the legislation is heightened by some of the uncertainties around how 'misconduct' is defined and how it fits with 'serious misconduct'. Under the act as it stands at present, section 22 applies only to allegations of misconduct, and there is no distinction between what one might call 'ordinary misconduct' and 'serious misconduct'. The bill inserts a definition of 'misconduct', and proposed new section 22 also refers to 'serious misconduct'.

I think from the helpful briefing we were provided by departmental officers that the intention of the government is to apply the general law definition of 'serious misconduct', which can be subject to debate in a court in accordance with the longstanding meaning of that term. However, the problem is that the proposed new section as drafted puts the word 'misconduct' in front of 'serious misconduct', so the concern we have is that a court on reading this reworded section would at least ask itself whether 'serious misconduct' was intended to have its general law meaning or to be a serious form of ordinary misconduct as defined in proposed section 4.

When employment rights are involved, uncertainty is something to be avoided as far as is humanly possible because it creates further doubt in the minds of employees as to what their legal position is. I would be grateful if government speakers could place on the record what the government's intentions are in that regard.

We are also concerned about the government's intention in relation to probationary employees. Our understanding from the briefing provided to us is that existing section 21 of the act, which contains express powers for a person employed in the public service to be employed on probation for a period of three months, is being removed because it is intended that in future federal law will apply to regulate probationary employment so section 21 will be redundant. However, the explanatory memorandum to the bill gives a different explanation. It says that clause 5 repeals section 21 with the effect that probationary employees will be treated in the same way as other employees for the purposes of the dismissal power provided by section 33 of the principal act.

So there seem to be two alternative explanations as to the intention of clause 5. If the explanation given in the explanatory memorandum applies, does that mean that the government is consciously saying that it no longer wishes to have the capacity to employ people on a probationary basis and implicitly mean that any dismissal of an employee would have to be done on the same basis as applies to an employee who is not employed on a probationary basis?

We have some other concerns about some of the provisions dealing with transfers of staff, particularly secondments. We certainly understand the desirability of flexibility on that score. The bill provides for transfers on a permanent or fixed-term basis. However it does not provide for an early release from a secondment if an assignment is completed early. In other words, it does not provide for what is referred to amongst industrial relations practitioners as a maximum term engagement. The need for flexibility would arise if you wanted to second a public servant to work on a particular project, you were not sure how long that project was going to last, and you wanted the capacity for the secondment to last for as long as the project needed, up to a certain maximum. That does not seem to be in the bill, and we raise the question whether that is the government's intention or whether it wishes to have the power to provide for maximum term engagements.

Last, but not least, in relation to the amendments to the Public Administration Act 2004, I refer to the powers given to the Premier to declare an emergency situation. Those are the powers contained in clause 14 of the bill. As I alluded to earlier, they are quite broad powers. If there is any legal challenge to a decision by the Premier to declare an emergency situation, it would be relatively easy for the Premier to justify almost anything as an emergency. If a situation of emergency is declared, the Premier will also have the power to vary or revoke or extend the declaration. There is to be a report to Parliament, but there is no power of parliamentary disallowance.

The opposition parties understand that one of the principal objectives of this proposed provision is to deal with situations such as a pandemic, where amongst other things employees may need to be deployed in the emergency situation to deal with a wide range of duties which may not be their usual duties. It may also be very important to direct that employees work in particular locations that are not their usual places of employment. That is fully understood. However, the powers for the Premier to make such a declaration are quite sweeping.

We also understand that some of the provisions of this bill may be intended to fit in with amendments that are being made to the health legislation, and again that is understandable. At the end of the day the consequence of a declaration by the Premier of an emergency situation simply relates to the powers of a public sector body head as to the assignment of duties, so there is not the potential for particularly draconian abuses of power to follow from a declaration of an emergency situation. Nonetheless it is perhaps fair to ask why it is not proposed to give power to the Parliament to disallow an emergency declaration.

I turn now to the proposed amendments to the Ombudsman Act 1973. They have the simple objective of putting beyond doubt the fact that the Ombudsman can investigate the Office of Police Integrity and the director, police integrity. We understand from the briefing that was provided to us that that was always thought to be the case and that the amendments being made by the bill, particularly by part 3 and clauses 16 and 17, are simply intended to put that beyond doubt and to validate any actions that may have been taken by the Ombudsman to date. Certainly nothing has come to our attention to date that causes us concern about those provisions.

Last but not least I refer to the amendments that are proposed to be made in relation to planning and project management matters. Those are the amendments that are being made by parts 4 and 5 of the bill. Part 4 is quite a lengthy part. Its provisions are a set of mechanical provisions that establish the Secretary of the Department of Innovation, Industry and Regional Development (DIIRD) as a body corporate under the Project Development and Construction Management Act 1994 in place of the Secretary to the Department of Transport.

These provisions are similar to ones that have been dealt with in this Parliament on previous occasions when the major projects portfolio has been moved from department to department — which is something that seems to have happened quite commonly under the current government. It is a bit of a hot potato, and there have been hospital handpasses, as it were, to a series of ministers over the course of the Labor government's term of office. The Project Development and Construction Management Act constitutes the secretary of the department that has the major projects portfolio within it as a body corporate for the purpose of exercising various of the powers under that act.

The latest changes being made by part 4 of the bill follow the changes that were announced in April this year, when the major projects portfolio was moved to DIIRD and when the Department of Infrastructure was renamed as the Department of Transport. I make the point that about six months have elapsed since that announcement before these consequential changes have made it to the Parliament, which gives rise to the question: exactly what is the major projects unit doing at the moment, given that it does not seem to have been particularly impeded in carrying out its functions for a six-month period despite this facilitative legislation not being in place?

Mr Donnellan interjected.

Mr CLARK — On cue we have honourable members opposite interjecting, saying it is doing a great job, and I am sure they will attempt to justify that position, notwithstanding the litany of bungles for which the major projects portfolio has been responsible under the current government and the fact that it seems to have been a poisoned chalice for just about every minister on that side of the house who has held the portfolio since the Labor Party came to office in 1999.

Indeed I would be interested to know — and I challenge the honourable member for Narre Warren North, who I think is going to be speaking shortly, to inform the house — what the last major project of the current government was that was actually vested in the major projects unit, because I think it has been a while since anything of significance has been vested in that ministry under the current government. However, as I say, these are largely mechanical provisions, and they follow a very similar format to previous provisions.

Mr Jasper — They haven't got a minister, anyway.

Mr CLARK — As the member for Murray Valley interjects, they do not even have a minister — for the moment.

Part 5 of the bill makes some changes to the Planning and Environment Act 1997. Clause 24 changes a definition of 'the secretary' to refer to the secretary as being the body corporate established under the Project Development and Construction Management Act 1994. Clause 25 makes a different change. It is one about

which we seek further explanation. It relates to delegation. In section 201G of the Planning and Environment Act 1987 the current reference to 'an officer or class of officers of the department' is to be substituted with reference to a 'person employed in the department or the holder of any office or position in the department'.

We were told at the briefing with which we were provided that the term 'officer' is largely redundant and the intention was to make sure that there are adequate powers of delegation. That, I suppose, is reasonable as far as it goes if the term 'officer' has now become redundant, but the substitute term is quite broad. It talks about not only any person employed in the department but about the holder of any position in the department.

So the question needs to be answered: does that extend to ministerial advisers, to political advisers? Arguably they are employed out of the Premier's department. I am not quite sure; that seems to be changed from time to time under the current government. That may be the case, but then even if they are employed out of the Premier's department, it may be said that they hold a position in the other department. Similarly, is it intended that this amendment will allow delegation of powers by the secretary to contractors rather than to persons who hold an ongoing position in the public service? If that is the case, I think it needs to be put on the record that that is what the intention is, and there needs to be justification given for it.

In conclusion, there are a number of provisions of this bill that make useful and reasonable changes to current legislation. However, there are a range of other provisions that cause us concern, and we look forward to further explanation of those measures during the course of this debate.

Mr DONNELLAN (Narre Warren North) — It is an honour today to speak on the Public Administration Amendment Bill 2008. I will just make a couple of initial comments. There were some statements made that the legislation was draconian and sweeping, and that the nature of the powers that we are proposing would enable us to sack people at will. Obviously we have had various discussions with representatives of the Community and Public Sector Union, and I would have thought that if they thought we were going to be sacking public servants at will, there would have been a bit of squawking by now. We have not noticed any squawking, so I suggest those statements are probably a bit off the mark.

Secondly, at the end of the day you would not want to ask the teachers and the nurses who were sacked under the last government whether they thought the current opposition was actually providing them with protection under the Public Administration Amendment Bill. I seek to address those initial things, and if we look at, say, major projects, we have a great one in the convention centre and we have a great one in the rectangular stadium — but on the bill, we will get back to the bill!

The Public Administration Act 2004 is the key operational legislation for the government in its capacity as an employer. The legislation has been in operation for about three years. The proposed amendments will address the issues that have arisen since the act commenced and will affect employer powers, employee mobility, assignment of duties, pandemic preparedness, public sector misconduct processes, the powers of the public sector standards commissioner and probation periods; and will also look at some ancillary amendments to the Ombudsman Act 1973 and the Project Development and Construction Act 1994.

Specifically looking at employer power, section 20(1) of the Public Administration Act provides that:

> A public service body Head, on behalf of the Crown, has all the rights, powers, authorities and duties of an employer in respect of the public service body and employees in it.

In section 20(2) it is expressed not to limit the operation of section 20(1), but then enumerates some, but not all, of the powers of an employer inherent in an employment relationship. That, to some extent, provides some confusion; to avoid this, the government intends to repeal section 20(2) and rely on the full common-law interpretation of the powers, authorities and duties of the employer. This will place the Victorian public sector employers and employees in a position that is closer to their counterparts in the private sector.

The proposed amendments will also repeal section 33(1)(f) of the Public Administration Act to allow the issue of abandonment of employment to be dealt with under the normal common-law principles, with enterprise agreements continuing to provide terms and conditions of the circumstances in which employment is to be regarded as abandoned.

The Public Administration Act also deals with employee mobility and the terms 'secondment', 'transfer' and 'movement' are used in the act but are not specifically defined. As such, the capacity of the Victorian public sector employers to effect the transfer of employees between departments and agencies and to

other duties within such entities is quite unclear under that act.

Some uncertainties also exist in regard to who has responsibility for paying an employee's accrued leave, for assessing and paying their performance progression and for ensuring the employee's health and safety. That is most vital and to suggest that we have got sweeping powers that are draconian, and so forth, would make a mockery of that.

Reflecting the Australian public service, the proposed amendments will accordingly replace the concept of 'secondment' with a more flexible concept of 'employee mobility' which would operate in two parts. Employer-directed transfers of either an ongoing or fixed nature will be dealt with through the use of temporary or permanent transfers under the amended section 28 and will obviously ensure transfer without loss of benefits and entitlements; and temporary transfers at the request of the employee are to be provided through administrative means, supported by a whole-of-government resource package.

Looking at the assignment of duties also dealt with in the Public Administration Act, it is highly desirable that there be certainty and clarity in the powers to enable the public service departments to flexibly deploy their workforce to perform changed tasks or work at alternative locations in order to allow the government to rapidly and flexibly respond to changed priorities. The employer should be able to assign duties consistent with the relative employment classification and the employee's skills and capabilities.

This is entirely consistent with the modern private sector employment practices and is an approach already implemented within a number of departments. The proposed amendments will make it clear that an employer has the power to assign an employee any duties consistent with his or her employment classification, skills and capacities.

Specifically, the workforce management in states of emergency and pandemic preparedness is dealt with by the Public Administration Act. The World Health Organisation has reported that it believes the world is closer to an influenza pandemic that will affect all countries. As to how close we are, we obviously do not know. The state obviously has an obligation to play a vital role in these situations to ensure that it is there to manage and assist.

It is necessary to ensure that the legal framework for the management of Victoria's public sector workforce is able to support this endeavour so that it can take the appropriate action at that time. Laws and instruments including the enterprise agreements should not impede a public sector body head from assigning any duties to employees; requiring an employee to perform duties with another public sector body or at a place other than their usual work place; or directing employees to take leave or not to attend for duty.

For these reasons the proposed amendments will provide a separate declaration of emergency in the act itself that will trigger the operation of certain employer powers. It is suggested in the act that the Premier of the day will consult with the chief health officer, the coordinator-in-chief and state coordinator as defined in the Emergency Management Act, and any other person the Premier considers relevant. That is important because at the end of the day you are not going to have months to deal with this, you are just going to have to deal with it straightaway and the Premier is probably the most appropriate person to deal with this, in consultation obviously with the chief health officer and others.

Misconduct provisions are also dealt with in this act and there are a number of different misconduct procedures that can apply to Victorian public sector employees. There is a mixture of state and commonwealth procedures that apply to misconduct and dismissal for misconduct, and this creates uncertainty and confusion currently. It is intended that the bill will rationalise and streamline the application of these procedures and so far as possible introduce into laws and instruments applying to Victorian public sector employees, terminology and concepts that are consistent with the federal law, because at the end of the day the federal law will always override the state law in these instances.

The following terms are derived from well-established concepts in employment law. These include 'unsatisfactory employment', meaning generally that an employee's failure to perform to the required standards and expectations of his or her role; or 'minor behavioural issues falling short of misconduct', meaning generally conduct that, if proven, would justify a formal warning or dismissal; 'serious misconduct', meaning generally misconduct of such a nature that it would be unreasonable to require the employer to continue the employment of the employee concerned during the required period of notice — that is, conduct justifying instant dismissal. The bill is not intended to fundamentally alter the rights of public sector employees, but to simply provide stronger definitions and ensure that our legislation is consistent with federal legislation.

Lastly, the bill deals with my sixth point, which is about the public sector standards commissioner. Under section 66 of the act, the public sector standards commissioner can request that public service heads and public entity heads provide him with information on the application of public sector values, employment principles, codes of conduct and standards. A recent Ombudsman's report included the need to enhance the powers of the new public sector standards commissioner to ensure these values, principles and so forth can be not so much enforced but actually be taken note of when the public sector standards commissioner raises them. This part of the act deals with that.

The act deals with probation periods, so it does not have any inconsistencies in relation to them. Probation periods of varying lengths will still apply, despite the repeal, via the vehicle of enterprise agreements.

Lastly, the act deals with the Ombudsman Act to ensure that the Ombudsman can look into public statutory bodies, specifically the Office of Police Integrity and the director, police integrity. The act deals also with the Project Development and Construction Management Act 1994. The bill will make changes of a technical nature to that act.

Mr JASPER (Murray Valley) — In joining the debate on the Public Administration Amendment Bill, I pay tribute to the member for Balwyn on his analytical — —

Honourable members interjecting.

Mr JASPER — I am sorry; it goes back a long way. The member for Box Hill, in his usual analytical manner, has analysed the bill to a great extent and has given us an overview of this bill, which is largely machinery in nature, as it has been described. I have to say from the outset that, as one who in speaking on bills of this nature in the past has been reasonably critical of governments and employees, particularly people working within the government sector who have been unable to provide the most efficient services to the government of the day, I have often compared the provision of services by government employees with the provision of services by employees in the general or private sector of employment. When I see what this bill does in seeking to provide greater efficiency within the government workforce, I applaud that and the nature of the bill.

I will run through some of the provisions of this legislation. Various amendments are made to the Public Administration Act 2004. This has been alluded to by previous speakers, including the member for Box Hill — not Balwyn! They include employer powers, emergencies, misconduct — which has also been mentioned by a previous speaker — the powers of the public sector standards commissioner and the status of probationary employees. I also note that the bill expressly requires the Premier to give approval of remuneration for senior executives. Perhaps we should take that out into the private sector now, having seen what has happened in recent months, with the wages and salaries that have been paid to some very senior private sector executives. If we can have some controls in the government sector, perhaps that should carry through to the private sector and we could see some changes to the remuneration of senior executives in that sector. They are the ones I refer to, because I have always said in Parliament that it is the private enterprise area of employment that has created the wealth of the state of Victoria, not the people employed by the government, although the government seeks to employ a large number of people in that sector as it is.

The bill also makes amendments to the Ombudsman Act 1973 which put beyond doubt that the Ombudsman can investigate the Office of Police Integrity and the director, police integrity. This has been an issue of great concern, of course. As a member of Scrutiny of Acts and Regulations Committee, I know we have been addressing this particular issue and getting responses from various authorities, including those involved directly with the police, the police union and of course the Chief Commissioner of Police, who has responded to that committee. It is a big major area of concern for both those managing the police force and those involved directly in the police force. The bill certainly puts beyond doubt that there can be these particular investigations and that the Ombudsman can look into those areas within the Office of Police Integrity and the director, police integrity.

The other area which is covered in the bill relates to the Project Development and Construction Management Act 1994, establishing the powers of the Secretary of the Department of Innovation, Industry and Regional Development.

We see changes in the departments on a regular basis. Now we have a range of ministers in these super-departments. It takes lot of working out to determine who is responsible for what particular areas within the departments and which areas are particularly within the administration of different ministers. This area needs investigation to make it quite clear to us as members of Parliament and the general public the various responsibilities of ministers within these super-departments so that we know what are the proper divisions of responsibility and can get the responses

that we need to representations we receive from a range of people within our electorates.

I listened to the contribution of the member for Box Hill. He spoke about the areas about which some concern should be expressed. I refer to some of those concerns, which I also have. For instance, the provisions relating to misconduct have been broadened to incorporate unsatisfactory performance and serious misconduct. I support this being contained in the provisions, but there does not seem to be any clear indication as to how this will be implemented and how misconduct will be related to a particular employee. Perhaps that will be an area for regulations that will come forward to the regulation review committee as part of the legislation going through Parliament.

The government has also retained provisions to reduce an employee's salary or make a classification for misconduct. That is an interesting one. It is in stark contrast to the views that were expressed in relation to the government's stringent opposition to the WorkChoices legislation; in fact the government was determined to get rid of the WorkChoices legislation. I would be concerned about protections that would be provided for employees in this particular situation. I trust that the member for Burwood might be able to provide some clarification on that when he makes a contribution to the debate, as one who has been strongly opposed to WorkChoices and changes to legislation. Here we have a situation where there may not be the appropriate protection for employees within the government ranks.

There are broad powers for the Premier to declare an emergency situation. I am not sure why we are extending these powers. As I understood it, there were fairly extensive powers for the government to be able to declare emergency situations in a health area or with a terrorist situation in Victoria. I think we need to get some further explanation on that particular issue.

The delegation of powers under the Planning and Environment Act has been extended. It goes beyond 'officers' to 'persons employed who are holding a position', but without a clear explanation in the bill of the people who would have the responsibility under a delegation of powers. They are the sorts of issues that I think we need to get some explanation from government members as to the implementation of the range of powers included in the legislation.

I would be interested to get some responses to those particular issues but again indicate clearly that, whilst the coalition is not opposing the legislation, the fact is that there needs to be some clear explanation on some of the provisions that have been included in this legislation. If it provides greater powers for the government to be able to get the best efficiency out of the people who are employed within the government ranks and to be able to implement its particular policies, then certainly support is provided from this side of the house.

However, I say again that we need to understand that the wealth of Victoria is created by the private sector, not by the government sector. It has always been an area of some criticism that I have expounded in this Parliament for people involved in the public service, and being able to get greater efficiency out of those people operating within the service compared to the efficiency which generally exists in the private sector, which is the wealth creator for Victoria.

If this legislation, which appears to be quite clear in what it is seeking to do, provides for greater efficiency in the operation of the public sector, the private sector and I would welcome that.

Mr STENSHOLT (Burwood) — I am delighted to rise to support the Public Administration Amendment Bill and to hear the member for Murray Valley say he is not going to oppose the bill. Usually I have to get up and say the Liberals hate public servants, because Liberal members are usually opposing or voting against public sector bills. At the end of his speech the member for Murray Valley was lauding the virtues of the private sector — that coming from a country socialist was quite interesting!

An honourable member — An agrarian socialist!

Mr STENSHOLT — An agrarian socialist — sorry, I have to get it correct here. I must admit there are not too many on the land anymore. Most of them are actually in the towns, as you know.

Dr Sykes interjected.

Mr STENSHOLT — This is true; we need to look after people. I agree with the member for Benalla, although I should not get distracted by interjections.

In terms of the private sector, I note the statements about executive salaries, but also their productivity in the public sector, particularly in the financial sector — I am speaking about it worldwide rather than anything specifically in regard to Victoria — whereby 30 per cent of the profits was coming from 3 per cent of the people.

It is not necessarily efficiency or effectiveness or productivity in the financial sector which has brought

great difficulty to many people, including those in regional and rural Victoria let alone here in Melbourne in respect of the crash of the stock market and shares and the impacts it has had on the superannuation funds right across the board. We need the steady hand of the state in this regard. I have watched with wonderment what is happening in the United States as banks have become government entities in their own right. One has to have a sense of balance in this regard.

I have said in the past that I always worry about the Liberal Party and the public sector. We know it went to the last election promising to cut 3000 jobs in the public sector. We know how many nurses, teachers and others it cut in the seven dark years of the Kennett administration. We also know the Liberal Party has voted against bills regarding award conditions for Victorian public sector employees, including overtime, pay penalty rates and leave loading.

The member for Murray Valley was almost weeping crocodile tears about the provisions in the bill and was worried about conditions. Liberal Party members were not worried about it when they voted against those bills. They were not worried about it in terms of unfair dismissal rules for public sector employees in workplaces of fewer than 100 people. I must admit there are a number of provisions, some of which have been alluded to by others.

I note in regard to the rights of employees that clause 5 — and I am sure the member for Murray Valley will be interested in this — repeals section 21 of the Public Administration Act 2004 with the effect that probationary employees will be treated in the same way as other employees. I am sure he would be pleased that they are on a level playing field and that they will get the same rights and conditions.

We need to ensure that we have a balance between the rights of people and efficient and effective administration, whether it be public or private. We need to ensure that where action needs to be taken for misconduct, it is taken effectively while preserving the rights of people.

The various changes proposed in the bill seek to provide that particular balance. The purpose of many of the amendments is to clarify some uncertainties and correct various anomalies with regard to the Public Administration Act. There are also amendments to the Ombudsman Act. I join with others in saying that this legislative action has to be taken to ensure that the Ombudsman has oversight of the Office of Police Integrity, and that the special investigations monitor (SIM) has jurisdiction to monitor compliance by the director, police integrity, and the staff of the OPI. There was some doubt as to the jurisdiction of the SIM, but that is clarified by amendments in this bill.

The member for Murray Valley also raised the issue of salaries. He said, 'What is that particular clause in there?'. From memory it is clause 7. The approval of the Premier is required to set remuneration for various classes of executives. I am advised that this is currently the case, and the member for Murray Valley should be pleased with that. However, this bill provides legislative authority for the practice, particularly with regard to those classes of executives who hold high office, such as public service body heads and persons holding an office which is a declared authority as well as a prescribed class of executives. I presume that the prescription would be done by regulation to ensure that the Premier would sign off as appropriate and as happens at the moment.

There is a range of other measures that provide for machinery of government changes to take effect in terms of the Project Development and Construction Management Act and the Planning and Environment Act. I consider that the range of amendments in this bill will improve the efficiency and effectiveness of the public sector, including the oversight of the OPI by the Ombudsman. I commend them to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Public Administration Amendment Bill 2008. This bill seeks to make a number of sundry changes to the Public Administration Act and to confirm the powers of the Ombudsman to investigate complaints regarding the Office of Police Integrity (OPI). The bill will amend three pieces of legislation. The principal piece of legislation is the Public Administration Act 2004, which will be amended with respect to employer powers, increased powers for the Premier with respect to emergencies, changes to misconduct provisions, changes to powers relating to the public sector standards commissioner and changes to the arrangements for probation and remuneration for executives. The provisions for the Ombudsman Act will put beyond doubt that the Ombudsman can investigate the Office of Police Integrity and the director, police integrity. This bill will also make changes to the Project Development and Construction Management Act 1994.

I would like to address a number of provisions with respect to the proposed changes to the Public Administration Act. The first provision is with respect to clause 6, which deals with changes to section 22. This clause seeks to introduce a new provision in

relation to misconduct which deals with unsatisfactory performance and serious misconduct. Clause 3 of the bill proposes that a new definition of misconduct will be inserted in section 4 of the Public Administration Act, and we will see the introduction of new provisions for unsatisfactory performance and serious misconduct.

The dilemma which arises is that unsatisfactory performance and serious misconduct will fall within the current definitions at common law, yet we have a legislative provision which relates to misconduct. Situations will arise where decisions will need to be made as to what constitutes unsatisfactory performance — that is, something that is not as serious as an act that falls within the area of misconduct. More importantly, for serious acts of misconduct it needs to be demonstrated how they are more serious than those defined as misconduct in the act. We sought information about that, but we were unable to obtain it. I believe this has the potential to be an area of concern for managers in the public sector.

Another concern that arises relates to the operation of probation. As has been mentioned, the current provisions in section 21 of the act will be repealed. One is led to believe that what will happen is that the provisions under the federal WorkChoices legislation, or legislation as amended by the Rudd government, will operate with respect to probationary employees. However, the explanatory memorandum stipulates that section 21 of the Public Administration Act will be repealed with the effect that probationary employees will be treated in the same way as any other employee for the purpose of the dismissal power. One is led to believe that a probationary employee, somebody who has been working for 1 week, must be treated in exactly the same way as somebody who has been working for 10 years. The effect of that will be that whereas previously employers had the power to terminate somebody during their period of probation, it appears from a reading of the explanatory memorandum for clause 5 that the provision relating to a period of probation has been removed from the public administration system. All employees will be treated as permanent employees from day one without the operation of a period of probation.

A further area of concern is proposed section 22(b) of the act. I find it breathtaking that those on the opposite side of the house are affirming a provision in an act of Parliament that will enable an employer, where they do not believe termination is warranted, to make a unilateral decision to reduce an employee's salary or to vary their classification. As a former practitioner in the industrial relations field over a number of years, I can say that a union would have been astounded if I had put forward an ambit claim which sought to impose such a provision. I could not imagine the National Union of Workers, the Australian Workers Union, the Electrical Trades Union of Australia or the Australian Manufacturing Workers Union allowing me, as an employer, to introduce into an enterprise agreement a provision which gave the employer the unilateral right to reduce an employee's salary or an employee's classification in such circumstances. Yet those opposite are seeking to enshrine again in legislation provisions that do exactly that. We have seen those opposite crowing about the provisions in WorkChoices. This is unbelievable — WorkChoices did not even have provisions like this — yet those opposite sit there and support this piece of legislation without saying one word about that provision.

I find breathtaking the hypocrisy about the enshrinement of proposed section 22(b), given that this is meant to be a government that stands up for workers. This is a socialist-based political party that is seeking to enshrine legislative provisions such as proposed section 22(b).

Another concern I have is with regard to the operation of clauses 9 and 10, which are the provisions relating to permanent or fixed-term employment. The concern I raise is that in many circumstances employees may be assigned on a fixed-term basis — let us say for two years — to complete a project, and the project may be completed prior to the expiration of the fixed-term period. If it is a two-year period, the employee may complete the task after 18 months. Under the bill, which provides for a fixed-term arrangement, the employer is duty bound to retain the person for the period of the fixed term. I used to deal with these agreements, and the vast majority of agreements that we entered into at common law were done on a maximum-term basis, which gave an employer the ability to terminate the employment arrangement earlier without the necessity to pay out the remainder of the contract.

We raised this issue with the members of the government's briefing team, and I appreciate their assistance on that. They were certainly aware of the issue, but it is clear from the legislation before us today that those provisions do not apply. My concern, and I flagged this with Minister Neville, is that potentially managers in the public sector will be duty bound to retain an employee — let us say they are on higher duties — on a fixed-term arrangement when the work they were required for has ceased. The employer could be required to continue to employ that person for a period of one month, two months, three months or even upwards of one or two years.

As has been mentioned by the member for Box Hill, broad sweeping powers have been introduced into this bill with respect to the Premier's ability to deal with matters relating to an emergency situation. We understand and appreciate that situations may arise where these matters are of importance and the Premier obviously needs to deal with a disaster situation, but it must be noted that what we have before us are certainly broad sweeping powers. In many respects we could well be in uncharted waters as to how these provisions will play out, and particularly the way in which they will work in with the operation of Parliament.

In the time I have left I would just like to also make mention of the amendments to part 5 dealing with the Planning and Environment Act. Clause 25 deals with delegation under that act. As has been mentioned earlier by the members for Murray Valley and Box Hill, the provisions relating to delegation of powers will be changed so that they no longer apply just to officers or classes of officers of the department but to anybody who is a person employed in the department or the holder of any office or position in the department.

The bill has broadened the powers. We sought clarification as to why the change was necessary. Was there an original reason when the act was drafted to limit delegation to officers only? I do not believe that information was forthcoming. I have not checked with the member for Box Hill, but certainly that is another area where we require clarification.

As has been mentioned, we will not be opposing the bill; however, we have a number of concerns with its operation.

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to speak on the Public Administration Amendment Bill 2008. It has been absolutely fantastic to have this legislation studied in depth by members on this side of the house. We are also able to enlighten the previous speaker on a number of flaws in his argument.

This legislation is important because it amends the Public Administration Act 2004 to refine and modernise Victoria's public sector employment framework. We are modernising our workforce. We are ensuring that the people who provide the citizens of this state with a public service do so with excellence. I would have thought that would have been absolutely embraced by each and every member opposite.

But no. The previous speaker seems to confuse reality with what he ran as a political agenda in his previous comments. Since when has the Liberal Party been the protector of the working class? Since about 2 minutes ago, with the previous speaker! We find his contribution absolutely disingenuous, and I will tell you why in a minute, when I highlight particularly clauses 6 and 3 of this excellent piece of legislation.

As I said, the amendments to the Public Administration Act clarify a number of uncertainties and anomalies. They allow for greater flexibility and certainty in temporary and permanent transfers of staff between public service bodies and public entities to enable departments to respond more rapidly to changing priorities. Again, I would have thought that would have been something members of the opposition would have welcomed, particularly members of the Public Accounts and Estimates Committee. I thought they would have been up here shouting the praises of this legislation.

I move to the third point of the employment framework in the bill, where we are going to support Victoria's planning to fight an influenza pandemic and other emergencies by providing the capacity to mobilise the public sector workforce to ensure continuity of essential services during and after such emergencies.

Fourthly, we are providing an advisory role for the public sector standards commissioner and the power to recommend process-based changes to public sector entities to augment compliance with public sector employment principles, standards or codes of conduct.

Given that that is what the bill does, I look forward to having wholehearted support from each speaker from the other side.

The bill will make only one amendment to the Ombudsman's Act 1973. It clarifies that administrative action taken by the Office of Police Integrity is subject to the Ombudsman's oversight where the special investigations monitor does not have jurisdiction to investigate. This essentially confirms and formalises the work already done by the Office of Police Integrity.

Finally, the amendments to the Project Development and Construction Management Act 1994 essentially go to machinery of government matters. The proposed amendments to the act are required following machinery of government changes, transferring Major Projects Victoria from the Department of Infrastructure to the Department of Innovation, Industry and Regional Development in April 2008.

I want to spend some time allaying the fears — or, should I say, answering the misrepresentation — in the previous contribution from the opposition. You would think this government had forgotten its responsibilities with regard to consultation and the workers — but that

is so far from the truth that I would suggest the previous speaker could well have been misleading the house. Should he be bothered reading *Daily Hansard* tomorrow, I hope he will be well informed of exactly what is happening with this legislation and exactly what the government has done to ensure that its workers and their representation through the trade union movement has been taken into consideration with this bill.

At the outset I state that the advice I was provided with before speaking today is that the Community and Public Sector Union has had the opportunity on two separate occasions to discuss this legislation; it is absolutely comfortable with it. I cannot remember a single instance of legislation having been brought into this house under the Kennett government where a trade union had the courtesy of consultation prior to its introduction. To suggest that this legislation is supported by neither the union nor the workers is just so far from the truth, it is not funny.

While the previous speaker was not one, he may like to refer to and have discussions with members who were members of the Kennett government. They could put him straight on the fact that under the Kennett government there were wholesale sackings and wholesale changes in workers' terms and conditions; long-term employees were put onto short-term contracts, and so on — all with no consultation and certainly no support from the workforce.

Let us look at what the legislation does. Clause 6 splits existing section 22 of the Public Administration Act into two sections. It is not a revolution against the workers; it will split the existing section 22 into two sections. For section 22 this bill will insert an authorisation that the regulations may:

> establish procedures for dealing with allegations of unsatisfactory performance, misconduct and serious misconduct …

It will authorise:

> the imposition of penalties for misconduct or serious misconduct which may include reduction in salary or classification … suspension or dismissal …

We are not talking like the Kennett government, where thousands of public servants were arbitrarily sacked — we are talking about a situation where there is misconduct. And for where there is misconduct, procedures will be set up whereby allegations of unsatisfactory performance or misconduct can be looked at.

Then there will be a system that everybody knows will be enacted to make sure that appropriate practices occur at work; where they do not, there will be penalties. Is the opposition seriously considering that people can act inappropriately — they can be engaged in misconduct and they can do it with impunity? I do not think so — but that is what is being suggested.

Mr Wakeling — Where is the definition?

Ms CAMPBELL — I want to take up the interjection. The member whose previous contribution I am referring to said, 'Where is the definition?'. I suggest he go to clause 3, which contains a definition. I would suggest that the opposition refresh some of its newer members' minds about what occurred under the Kennett government and embrace legislation that will ensure we have an efficient, ethical and productive workforce.

Mr WELLS (Scoresby) — I rise to join the debate on the Public Administration Amendment Bill 2008. I would have thought that this was all about flexibility. No government can function without an efficient public service.

I need to pick up some points made by the member for Pascoe Vale, who directed the opposition to part 2, clause 3, which deals with definitions. The bill has definitions of 'misconduct', but I am still looking to find the definition of 'unsatisfactory performance' — it is not there — and I am also looking very hard to find the definition of 'serious misconduct'. Where are the definitions of 'serious misconduct' and 'unsatisfactory performance'? The reason I refer the member for Pascoe Vale back to clause 3, which she directed the opposition to, is that clause 6, which provides for the insertion of new section 22, says that the regulations may:

> (a) establish procedures for dealing with allegations of unsatisfactory performance, misconduct and serious misconduct …

The problem we have is that there is no definition of 'unsatisfactory performance' or 'serious misconduct'. There is a definition of 'misconduct' but nothing for the other two. Is this a matter of, 'Trust us, we know what is good for you'?

The other issue is in regard to proposed new subsection (b), which says:

> empower the imposition of penalties for misconduct or serious misconduct which may include reduction in salary or classification or both, suspension or dismissal …

We understand that it was there before. The point is that the Labor government is reinforcing that part of the

Public Administration Act. Before I came to Parliament had I been running a transport company which dealt with the wharves and with rail, and had I for one moment put any of this in an enterprise bargaining agreement, we would have had one hell of a strike. The employees would have been out on the grass within a matter of seconds. If we had said we could reduce their wages or suspend them or dismiss them unilaterally, we would have been the worst in the world.

I wonder what state Labor would say if McDonald's, Hungry Jacks or KFC came out and said the same thing. If Hungry Jacks, KFC or McDonald's came out and said to a 16-year-old kid, 'This is what we are going to do: we will have the power to reduce your salary, suspend you, dismiss you, and by the way we do not have to tell you what serious misconduct is. We do not even have to tell you what unsatisfactory performance is. We do not need to do that; you just need to trust us because we know best', I will bet you every single Labor member would be out there screaming in their electorate about what Hungry Jacks, KFC or McDonald's may or may not do. But when it comes to the public service, they are ready to lay the boot in, as long as it is not part of the private sector.

Is it not just so ironic that for a couple of years Labor members were screaming about WorkChoices and flexibility? You could be reading this and thinking, 'Where is the hypocrisy in this?'. Let us look at some of the hypocrisy of Labor. It vocally opposed WorkChoices and now we find it is embracing the spirit of flexible work practices. Labor members have been so supportive of this bill, yet they were opposed to WorkChoices. As I said, the retention of provisions to reduce a person's salary or classification would appear to be grossly out of step with the rhetoric state Labor was spouting when it came to the previous federal government's WorkChoices legislation.

The member for Ferntree Gully raised an interesting point in regard to maximum-term engagements for employees on secondments. If, for example, you have sent a public servant on a two-year secondment and the work is completed in 18 months, what happens to that person? My understanding is that that part of it is not covered in the legislation. Maybe the minister could clarify that point when he or she is summing up — that is, if the work finishes in six months, three months or two months, what does that person do if we are talking about a fixed-term contract? Does that mean the person is being paid for an unproductive job? That does not seem to make any sense to me.

Is it not funny when you look at what state Labor and the previous Treasurer said when talking about WorkChoices? In *Hansard* of 18 October 2005 the then Treasurer and now Premier said this about WorkChoices:

> In the big picture of measures going forward to drive productivity and labour force participation, you can be sure that the one measure which will have exactly the wrong and opposite effect is the so-called WorkChoices industrial relations reform.

In February members opposite talked about how from a state Labor point of view WorkChoices is dead and buried. Only nine months later the Brumby Labor government appears to be bringing back a form of WorkChoices for the public service.

I will move on quickly to the oversight of the Office of Police Integrity. The government is bringing in legislation to clarify the issue of the Ombudsman oversighting the OPI. This is an important point. A couple of years ago the government was incredibly embarrassed when 'Jenny', who was an ordinary citizen in country Victoria, claimed that her police files were being checked and double-checked by police and that the police were using that information for the wrong reasons. When she applied, the OPI said there was no inappropriate checking of her police files. The OPI sent the files to Jenny by mistake. Those files confirmed that the police had been inappropriately checking her file, so the OPI had it completely wrong.

In that particular case Jenny contacted me, which put me in a very difficult situation. I was given hundreds and hundreds of pages of police files, which was totally inappropriate. I could not go to the Chief Commissioner of Police, I could not go to the OPI at that time because it had made the mistake, and I could not go to the Ombudsman at that time because the director of the OPI and the Ombudsman were the same person. We were in a very difficult situation.

Although we support the clarification of that matter, the point we made at the time was that you should not have the same person as both director of the OPI and Ombudsman. Following constant criticism from the opposition, those positions have now been separated. It was good to see that we at least achieved that separation. Of course overall we oppose clause 6, which substitutes a new section 22 in the principal act. With those few words, we will not be opposing this bill.

Ms MUNT (Mordialloc) — I am very pleased to rise today to speak in support of the Public Administration Bill 2008, which contains amendments to three acts and makes one consequential amendment. I am very pleased to hear that this bill will have the support of both sides of the house.

Honourable members interjecting.

Ms MUNT — The member for Scoresby just indicated that the opposition will not be opposing the bill.

The three acts to be amended by this bill are the Public Administration Act 2004, the Ombudsman Act 1973 and the Project Development and Construction Management Act 1994. The consequential amendment is to the Planning and Environment Act 1987. I will come back to focus on a few of the major parts of those amendments shortly.

The amendments to the Public Administration Act 2004 are in a number of sections, and I would like to speak briefly on the section that supports Victoria's planning for an influenza pandemic and other emergencies by providing the capacity to mobilise the public sector workforce to ensure continuity of essential services during and after such an emergency. It is very important that we forward plan for such threats to public health and safety by putting every possible procedure in place to counter those threats. If a flexible and modern trained workforce is needed to do that, then in all faith we have to put appropriate procedures in place to help Victorians in the event of the unthinkable occurring.

The amendments to the Ombudsman Act 1973 clarify that administrative action taken by the Office of Police Integrity is subject to oversight by the Ombudsman where the special investigations monitor does not have jurisdiction to investigate. This is another piece of legislation of the type I have spoken on that is designed to ensure the openness and accountability of government and to ensure that all arms of government, of our bureaucracy and of our police force are open, accountable and clean.

The amendments to the Project Development and Construction Management Act 1994 are required following machinery of government changes that in April 2008 transferred Major Projects Victoria from the old Department of Infrastructure to the Department of Innovation, Industry and Regional Development. Considering the amount of infrastructure work that is currently being undertaken in Victoria and work that is planned for the future, it is important to have a legislative framework in place to support that work, which is absolutely vital for all Victorians.

A few words have been said about the process the bill has gone through, and its impact on our public service. I have had advice that the bill has been the subject of extensive consultation with many groups, including the public sector unions who raised some concerns about some parts of the bill. These were worked through and those concerns were addressed. I am very pleased to speak in support of the Public Administration Amendment Bill 2008, and I commend it to the house.

Debate adjourned on motion of Mr WELLER (Rodney).

Debate adjourned until later this day.

STATE TAXATION ACTS FURTHER AMENDMENT BILL

Second reading

Debate resumed from 29 October; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr WELLS (Scoresby) — I rise to join the debate on the State Taxation Acts Further Amendment Bill 2008, and say from the outset that the coalition will not be opposing the bill. The purpose of the bill is to amend the Duties Act 2000, the Livestock Disease Control Act 1994, the Taxation Administration Act 1997 and the First Home Owner Grant Act 2000.

It amends the Duties Act 2000 to clarify and improve the administration of existing provisions and current practices in relation to bare trusts. It clarifies the application of stamp duty on sub-sales of land — I will come back to explain that. It clarifies the provisions for the application of existing stamp duty concessions for transfers to and from trustees and nominees. It lowers from 65 years to 60 years the age of homeowners who can benefit from the duty exemptions for equity relief loan programs offered by financial institutions. It streamlines and eliminates the duplication of functions of the administration and registration of approved livestock agents by transferring the responsibility of registration from the Department of Primary Industries to the State Revenue Office.

The bill also amends the First Home Owner Grant Act 2000 to give effect to the recent federal government's economic stimulus package to provide for the administration of the first home owners boost initiative, which will have effect from 14 October. It provides a right to a first home owner grant applicant to object to a decision to impose a penalty. It removes the existing five-year limit for the commissioner of state revenue to reverse or vary a decision to pay the first home owner grant where an applicant has provided false or misleading information. This provision means the commissioner can go back as far as is necessary to

review or overturn a decision for fraudulent claims. It prohibits the secondary disclosure of confidential information obtained under the First Home Owner Grant Act.

The third piece of legislation being amended is the Livestock Disease Control Act 1994. The bill reforms and reduces administrative red tape in the application and payment of livestock duty by substituting reference to the Stamps Act 1958 with references to the Duties Act 2000. It repeals the requirement to affix duty stamps. It allows for the modernisation of payment methods. Currently all payments require a cash register imprint. The bill clarifies the requirements in relation to statements and invoices, and enables infringement notices to be issued in relation to certain offences.

The last piece of legislation being amended is the Taxation Administration Act 1997 to allow for the disclosure of information obtained under a taxation law to the Secretary to the Department of Primary Industries, the Roads Corporation and the Business Licensing Authority.

Coalition members have consulted widely. We obviously support the reduction and improvement in administration. Any reduction in red tape is welcome. We obviously welcome the additional funding from the commonwealth to assist first home buyers, but we have concerns about the amount of stamp duty being collected by the state Labor government. We also believe that assistance to livestock farmers is well worthwhile. There is also assistance for older Victorians wishing to use some of the equity in their homes, and that is worthwhile especially as we go into more fragile times. Obviously reducing revenue leakage to the state by clarifying existing provisions in relation to stamp duty on property transactions and reducing loopholes is supported by the coalition.

In relation to the sub-sale of property, as per the definition, a sub-sale occurs when a vendor who has entered into a contract for the sale of land with a purchaser transfers the land to a third party at settlement and certain other criteria are met — for example, additional consideration is paid by the third party to the first purchaser. As it was explained to us in the briefing — and I thank the minister for organising the briefing — the current provisions were introduced in 2005, and there were a number of reasons for doing that. Obviously one was the potential for leakage of revenue to the State Revenue Office. It has become clear that a number of changes needed to be made, so in 2005 the government brought in the first set of amendments. Those amendments were reviewed earlier this year.

The changes made clarify and make crystal clear that where additional consideration is paid and land development occurs, stamp duty is to be determined based on the additional consideration. Exclusions from stamp duty on sub-sale transfers are available only where there is more than one subsequent transaction, and no exclusion is available on the final subsequent transaction. An exemption is available where a purchaser nominates a relative, but the relative is liable for any stamp duty payable on the subsequent transaction. Where a party to the sale contract increases its entitlement under the contract prior to settlement, stamp duty is payable to the extent of the change in entitlement. Finally, the amendments also consolidate some definitions which allow a number of lengthy subsections to be deleted and make these complex provisions easier to navigate.

I suspect the vast majority of the time of the briefing was taken up dealing with the sub-sale of property issues. The other parts of the legislation are reasonably straightforward, but we needed to get our heads around the sub-sale of property section.

I noticed with interest that the Law Institute of Victoria wrote to the commissioner of state revenue on 23 September expressing some concern about the relevant amendment and the sub-sale provisions. It is concerned about land development. One area of concern is the interpretation of the scope of the phrase ‘land development’. The letter states:

> ‘Land development’ is defined in division 1 of part 4A to include (paragraph (a) of section 32A):
>
> > ‘preparing a plan of subdivision of the land or taking any steps to have the plan registered under the Subdivision Act 1998’.
>
> It is our experience that your office has taken the view that the above definition can encompass a draft plan of subdivision.
>
> Such an interpretation of the phrase is too broad. A plan of subdivision, in its draft phase, may be changed, and more importantly, is open to being abandoned and never acted upon. A draft certainly does not add value to the land which we understand is the underlying assumption to the ‘land development’ provisions.
>
> Until the draft plan becomes a registered plan of subdivision, we submit that it is premature to recognise a draft plan of subdivision as amounting to ‘land development’ for part 4A purposes. Until registered, it cannot affect or enhance the value of the land concerned and there is no reason for the sub-sale provisions to apply.

I am hopeful that when the minister — whoever that may be — is summing up, they address the concerns of the Law Institute of Victoria about the definition in regard to a draft plan for the subdivision of land.

I also notice that there is the issue of clarification of existing stamp duty concessions for transfers to and from trustees and nominees with regard to a bare trust. A trust is sometimes declared a bare trust, and it is one of the many types of trusts that are available. The declaration of trust is the legal structure that allows the division of the beneficial and legal ownership. It is my understanding that if you have a bare trust but transfer it to a beneficiary who is also a member of the bare trust and it is put in the name of that particular person, then there is no stamp duty payable because there is no change in the beneficial or legal ownership of the property. This particular piece of legislation clarifies that point.

I notice the stamp duty exemption for elderly Victorians accessing equity in their homes. I fear that as we move to more difficult times some people who have worked hard all their lives may find at some point they do not have sufficient income. However, they may have an expensive house, which they have been in for 20, 30, 40 or 50 years, and an industry has formed and is becoming much larger now to allow for financial institutions to be able to release equity and give those older Victorians the revenue and cash they need.

This piece of legislation reduces the age from 65 to 60 and allows an exemption from stamp duty when the equity release deal has been finalised. I notice that on 16 June 2005 the then Treasurer put out a press release which said that it would apply from 15 June 2005 but that was for people who were at the age of 65. This bill reduces the age to 60, which is certainly supported by the coalition.

I read with interest an article that appeared in the *Courier Mail* of 20 September 2007. The heading reads 'Debt-ridden seniors hock homes'. It reports:

> Desperate seniors are increasingly taking out loans to pay for dental treatment, home repairs, the Combined Pensioners and Superannuants Association has warned.
>
> The association's policy coordinator, Paul Versteege, said many elderly Australians were struggling to survive on the aged pension and when confronted with extra bills, an alarming number were turning to reverse mortgages on their homes.
>
> 'Basically people are destitute', he said. 'They are taking out reverse mortgages or getting other equity release-type loans, simply to pay for the normal stuff, because the pension is inadequate'.

It points to a recent study of the reverse mortgage market, which found that 27 500 such loans at the end of last year were worth a total of $1.5 billion. It found in just one year the reverse mortgage market had grown by 40 per cent in just six months. As I said, I expect that with the fragile economic times ahead, and pensioners and older Victorians doing it tougher, that the issue of reverse mortgages or equity release schemes will become more prominent.

The main part of the bill allows for the federal government's grant boost, which will provide an additional $7000 for first homebuyers to buy existing homes and an additional $14 000 if they purchase a new home. You would have thought that was state government money, given the amount of press, spin and rhetoric that the state government was pushing around, but it was of course federal government money. The press release came out on Tuesday, 14 October, and the Premier was with the federal government announcing the $10.4 billion economic strategy which is intended to help to push along the housing industry.

The federal government has provided an additional $14 000 for a new home to try to push along the housing industry, which is what is so desperately needed during these tough economic times. From 14 October 2008 to 30 June 2009, for the purchase an established home, an extra $7000 will be provided. There is also the first-home bonus of an additional $3000.

In regional Victoria there is also additional money. As put out in the press release, the federal government will provide new assistance to Victorians who enter into a newly constructed home contract from 14 October to 30 June 2009; they will now get case grants of up to $29 000 in regional areas or $26 000 in metropolitan areas, which is hopefully going to assist the housing industry. We will wait and see.

The reason we did not support the legislation — we said 'not oppose' — is stamp duty, because what the government is doing on one hand is handing out the grants but on the other hand it is taking it back in stamp duty. I noticed with great interest the last lot of figures released by the REIV (Real Estate Institute of Victoria), which show that the median house price in Melbourne was $435 000 for the last quarter, as of 30 September 2008. In Victoria you will need to find another $18 120 in additional funds to just pay the stamp duty.

That is the highest of anywhere in the country. If you are in Queensland, you will pay $6475; in New South Wales, it is $15 065; in Western Australia, it is $14 678; in South Australia, it is $18 080; and in Tasmania, it is $14 950. Victoria's is the highest amount of stamp duty payable. If a young couple or young person purchase a $435 000 median-price house in Melbourne, after they have paid out the $435 000 through loans from banks or parents, they will need to

find another $15 120. But if they were in New South Wales, they would pay zero stamp duty; in Queensland they would pay zero stamp duty; and in Western Australia they would pay zero stamp duty.

Whilst the government has such a heavy reliance on stamp duty in this state and spends so much time telling the Victorian community what a great job it is doing, the reality is that Victorians are paying record amounts of stamp duty. As I mentioned, if you were a first home buyer in New South Wales, Queensland or Western Australia, you would not have to pay any stamp duty. Stamp duty receipts have skyrocketed. In 1999 under the previous government stamp duty was around $1 billion; now it is approaching $4 billion. It has quadrupled in a matter of just nine years.

I will move on to livestock. The bill before the house will make the administration of livestock much easier. As I mentioned, transferring the collection, or the registration, from the Department of Primary Industries over to the State Revenue Office seems to make a lot of sense. The bill also makes the situation a lot easier in regard to the Livestock Disease Control Act — having to affix stamps to transactions in this day and age does not seem to make any sense. Duty is paid on livestock sales, so if you are selling cattle, sheep, goats or carcasses, you need to pay a duty. If you sell through an approved agent, the agent is liable to pay that duty and will obviously then pass that cost on to you.

If you are the vendor selling on your own behalf, you need to pay duty by way of purchasing the stamps. The rate of duty payable on the sale of cattle is 5 cents in every $20, or part of $20, of the purchase price — whether stock is being sold separately or as part of a lot. The maximum amount of duty that can be charged is $5 per head. We strongly support reducing red tape around the duty.

The final point I will make relates to the Taxation Administration Act 1997. We also support this part of the bill. The Secretary of the Department of Primary Industries needs to have certain information. These amendments will enable the State Revenue Office to legally provide information about tax issues — and obviously only about tax issues — to the Department of Primary Industries and the Roads Corporation. It can provide information about state tax acts — for example, lists of livestock agents. That makes straightforward sense.

On those points, as I have said, the coalition does not oppose the bill. We would support the bill if it were not for the real concerns we have about the issue of stamp duty and the amount of stamp duty that is being paid. We make the point that the government puts huge effort into spin and rhetoric about what it is doing to assist homebuyers, but it is handing out the grant with its left hand and collecting the money back with its right hand, and to me that does not make sense; I think it is very misleading.

Ms RICHARDSON (Northcote) — I am very pleased to rise in support of the State Taxation Acts Further Amendment Bill 2008. This bill amends the First Home Owner Grant Act 2000, the Livestock Disease Control Act 1994 and the Taxation Administration Act 1997.

I would like to first focus on the changes that are going to be made to the particularly well-run First Home Owners Grant Act, which legislates a grant scheme that is very popular in Victoria. The amendments to the First Home Owners Grant Act are very welcome indeed, as they facilitate a very welcome boost that has been announced by the federal government to help people trying to buy their own home. In short, the changes to the act are necessary to implement this federal government decision. The federal government in fact heeded a call by the Premier to join with state Labor to provide much-needed assistance to those seeking to enter the housing market for the first time.

Here in Victoria Labor has provided for some considerable period of time the most generous assistance package for those seeking to buy their first home of any state in Australia. First home buyers receive $7000 plus a $3000 bonus that was announced in the last state budget. For new homes in Melbourne, the bonus increases to $5000; if you are purchasing a home in regional Victoria, that amount increases to $8000. We were in fact the first state in Australia to introduce a measure of this kind in rural and regional Victoria. Members all know that it has been very well received right across the state.

The federally funded grant is for first home buyers who enter into a contract to buy a home between 14 October 2008 and 30 June 2009. It will provide $7000 for an existing home purchase and double that amount, $14 000, if the home is a new home. This means that the combined assistance package from the state and federal Labor governments provides new home purchasers in regional Victoria with the extraordinary sum of $29 000 — or $26 000 for those who live in Melbourne.

As Victoria has agreed to administer these funds on behalf of the federal government, our act needs to be amended accordingly. As a consequence the commissioner of state revenue has been given full

statutory authority to ensure compliance. The previous time limit placed on the commissioner to reverse or vary a decision where an applicant falsely applied for a grant has been removed, and all applicants will now be able to object to a decision by the commissioner that imposes a penalty upon them.

The grant will, as I have said, commence from the date of its announcement, being 14 October 2008. The package itself presents us with a significant benefit for our economy in that it stimulates the home buying and building industry. In these particularly tough economic times this is precisely the kind of measure that you want to see state and federal governments introducing. The chief executive officer of Master Builders Australia, Wilhelm Harnisch, agrees. He is quoted as saying:

> Kick-starting the housing sector is a proven success formula for stimulating economic growth because of the multiplier effects it has on the broader economy, in terms of providing jobs as well as stimulating the manufacturing and retail sectors.

The Housing Industry Association has also worked on the announcement that has predicted it will actually boost new dwellings by 15 000 new homes.

Before I move on to the other amendments, I touch briefly on an issue raised by the member for Scoresby. So often in a debate of this kind on housing affordability members opposite fail to acknowledge that for housing we are still the most affordable city on the eastern seaboard. On stamp duty those members consistently fail to acknowledge that the total amount of stamp duty is growing over time as property prices increase, and at the same time they fail to acknowledge significant cuts to stamp duty made by this Labor government. For example, under the previous Liberal government, the threshold for a pensioner seeking an exemption on stamp duty was, I think, about $100 000. That has been increased to $300 000 for the full exemption, and there are partial exemptions beyond that for amounts above $300 000. These are important considerations in any discussions about stamp duty or housing affordability but time and time again members opposite refuse to acknowledge the facts about stamp duty and its application here in Victoria.

The other amendments made by this bill — which I raise briefly because they have been detailed in earlier contributions before the house — include addressing the need to modernise the administration of livestock duty by enabling electronic payment options which will do away with the duty stamps that had to be manually affixed to a duty statement. The provisions relating to the abolition of the livestock duty stamps will commence on 1 July 2009. This is a significant contribution to the cutting of red tape. Some technical amendments to the sub-sales provisions also clarify the scope of the exemption for transfers to bare trusts.

The Taxation Administration Act has also been amended to enable information gathered for state revenue to be available to VicRoads, the Business Licensing Authority, and the Secretary of the Department of Primary Industries. This will enable, for example, better compliance rates and help in the investigation of criminal activity.

For these measures and particularly for the boost given to first home buyers and the positive impact this will have on the Victorian economy, I commend the bill to the house.

Mr WELLER (Rodney) — It is with great pleasure that I rise to speak on the State Taxation Acts Further Amendment Bill 2008. The purpose of the bill is to amend the Duties Act 2000, the Livestock Disease Control Act 1994, the Taxation Administration Act 1997 and the First Home Owner Grant Act 2000.

The provisions in the bill clarify and improve the administration of existing provisions and current practices. As the house has just heard from the member for Scoresby, the bill clarifies the application of stamp duty on sub-sales of land. The bill clarifies the provisions regarding the application of an existing stamp duty concession for transfers to and from the trustees and nominees of bare trusts. It increases from 60 to 65 years the age of home owners who can benefit from the duty exemption for equity relief loan programs offered by financial institutions. It streamlines and eliminates the duplication of function in the administration and registration of approved livestock agents, and transfers responsibility for registration from the Department of Primary Industries to the State Revenue Office.

The bill amends the First Home Owner Grant Act 2000 and gives effect to recent federal government economic stimulatory increase to first home owner grants, known as the first home owners boost initiative, effective from 14 October. It provides first home owner grant applicants a right to object in relation to a decision to impose a penalty. It removes the existing five-year time limit for the commissioner of state revenue to reverse or vary a decision to pay the first home owner grant where an applicant has provided false or misleading information. The provision means that the commissioner can go back as far as is necessary to review and overturn a decision for fraudulent claims. It prohibits the secondary disclosure of confidential

information obtained under the First Home Owner Grant Act.

The bill also amends the Livestock Disease Control Act. It reforms and reduces administrative red tape in the application of payment of livestock duty by substituting references to the Stamps Act 1958 with references to the Duties Act 2000, and repeals the requirement to affix duty stamps and allows for modernisation of payment methods. Currently all payments require a cash register imprint. The bill clarifies the requirements in relation to statements and invoices enabling the infringement notices to be issued in relation to certain offences.

The bill amends the Taxation Administration Act 1997 and allows the disclosure of information obtained under the taxation law to the Secretary of the Department of Primary Industries, the Roads Corporation of Victoria and the Business Licensing Authority. It is clear that the bill covers a fair bit of territory.

I speak firstly about the proposed amendments to the Livestock Disease Control Act. When I was researching for this bill I rang the president of the Victorian Farmers Federation (VFF) pig group.

Dr Sykes — The pig group!

Mr WELLER — The pig group. The president, Aeger Kingma, is a constituent who lives at Leitchville in my electorate. When I was speaking to Aeger, I asked, 'What do you think of these proposals to change the swine industry?', and he said, 'What changes?'. I asked Aeger, 'Has anyone consulted with you?' and the answer was, 'No'. Then I thought I would ring Graeme Ford at the VFF.

An honourable member — Who is that?

Mr WELLER — He is the executive manager, policy. I said, 'Graeme, have you been consulted on the changes to the Livestock Disease Control Act?'.

Dr Sykes — Are you on first name terms?

Mr WELLER — I know Graeme Ford well. He said, 'No, Paul, I have not'.

An honourable member — What?

Mr WELLER — No, he had not been consulted either. No one at the VFF had been consulted on the changes to the Livestock Disease Control Act. I was flabbergasted. However, I got over it and spoke again to Aeger. I said, 'Now, Aeger, they are proposing to reintroduce the swine compensation fund levy'. He said to me, 'There is no need for it'. If the government had been fair dinkum about reducing duplication, it would have spoken to the pig group of the VFF. The VFF would have made it clear to the government that the VFF already pays a federal levy, which could be used in the case of an outbreak and which it believes is quite applicable to this situation.

I think the government should actually go further and reduce duplication of the federal industry and the state industry. As we all know in the case of the pig industry, the swine industry, the pork industry or the bacon industry even — whatever we want to call it — if we were fair dinkum — —

Mr Delahunty interjected.

Mr WELLER — No, I am not pork-barrelling! If we were fair dinkum about reducing red tape within the pig industry, we would have spoken to the leadership of the VFF pig group, and it would have said, 'There is a federal levy that we believe applies to this; there is no need for another state one — —

Mr Delahunty interjected.

Mr WELLER — Indeed. Now we are in this age of cooperative federalism, one tax should be enough when it comes to the pig industry.

We should remember, though, that these levies and the Livestock Diseases Control Act 1994 are about minimising diseases and the impact they have on industries. While the government is saying that the levy is only there to bring in if necessary, we do not need to have it there because it will not be necessary because of the federal levy that the members of the pig industry pay.

What we also need to remember regarding livestock diseases and pigs is that the Barmah forest and the Gunbower forest are within my electorate, where wild pigs — —

Mr Stensholt interjected.

Mr WELLER — No, wild pigs will be a problem in the eradication of foot and mouth disease if ever there is an outbreak in Victoria. Any part of livestock diseases legislation and a plans should be about how we eradicate those wild pigs before the event, because if we wait until the event, it means it will go on and on. It is no easy feat to eradicate wild pigs out of the likes of the Barmah forest and the Gunbower State Forest.

If we are amending the Livestock Disease Control Act, there is also another issue. In the updated April 2007

version of the 1994 act the government refers to the Victorian Farmers Federation president. It says he has to be on the Cattle Compensation Fund committee. The president or the chairman of the then VFF pastoral group had to be on the committee. Some five years ago the VFF pastoral group changed its name to the VFF livestock group, so I think if ever we were to revisit the Livestock Disease Control Act we had better get right the terminology of the different VFF groups.

I hope the consultation that has been amiss regarding the VFF has not been amiss with the Victorian Stock Agents Association. The stock agents will be the people responsible for collecting and paying this levy. I note that the government claims it has reduced red tape. However, according to the fine print, if you are a stock agent and even if you have a nil return for that month, you have to put in a return. That means that even if you have not traded any livestock, you have to go through the process of putting in the paperwork and saying, 'No, I did not trade any livestock for that month'.

Another part of this bill which I would like to talk about concerns the first home owners grant. It is all very well and good for the government to come into the chamber and say what a big favour it is doing for first home owners, but as we have heard from the member for Scoresby the government may well be giving with one hand and taking back with the other. The state is actually taking back many times over. You can multiply what it gives with one hand two or three times to find out what it is taking back with the other hand.

While we are not opposing the bill, we believe it could have done a lot more in regard to the swine levy and has missed an opportunity, and it is painting the wrong picture when it does not fully support first home owners.

Mr STENSHOLT (Burwood) — I am delighted to follow the member for Rodney. I was listening closely when he spoke about his discussions with the Victorian Farmers Federation swine group — I am sorry, it was the pig group! I must admit there is a bit of confusion here. I probably would have preferred that we use the word 'pig' right through the debate rather than calling it the swine duty, because everything else in the bill actually uses the word 'pig'. I know the duty is called swine duty, but pigs and swine are the same, unless the member for Rodney or one of his colleagues can correct me. It is just a matter of language and its use. I prefer the simple word 'pig'.

There is quite a range of things in this bill; one of the great things is that there is a great boost in it. I know we are not talking about Boost Juice. I am sure the minister at the table, the Minister for Regional and Rural Development, would be well aware that one of the leaders of Boost Juice who lives in Glen Iris won the award for the Telstra young businesswoman of the year. I am afraid we do not have too many pigs in Glen Iris! We do have a Boost Juice; but in this bill we have the boost.

It is a great boost; it is $1.2 billion worth of boost right throughout Australia. For Victoria there is a great boost for new first home owners. First home buyers are eligible from 14 October. All contracts entered into by 30 June 2009 are eligible for the new assistance. Of course this means, as other speakers have already pointed out, that the grant is up to $29 000. There are more than 150 000 first home buyers throughout Australia, and many of them live in Victoria.

We would expect at least a quarter of those would be in Victoria, because, from memory, the take-up of first home owner boosts has been proportionally higher in Victoria than in other parts of Australia. This is great news. Let us not have any mealy-mouthing from the member for Scoresby. This is great news for Victorians; it is great news for our kids; it is great news for first home buyers throughout Victoria.

I must admit that I have looked at the State Revenue Office website to see how this would apply to people in my electorate. I know the member for Rodney is very interested in the people in his electorate, and I am interested in the people in my electorate. I discovered something that I did not know, which is always useful. The State Revenue Office website says:

> First home buyers building a new home or purchasing a newly constructed home may be eligible for a $14 000 boost in addition to the first home owner grant ($7000), the first home bonus ($5000) and the first home owner regional bonus ($3000), bringing the total benefits to $29 000.

My area did not attract the regional bonus. It is also interesting that:

> Substantially renovated homes may be considered as a new home. Where a substantially renovated home is being purchased, it must be the first sale of the home since it was substantially renovated.

I was walking around the streets in my electorate and noted there are many substantially renovated homes. Many are being done up. I noticed one just down the road in Hortense Street, Glen Iris, yesterday morning when I was doing some letterboxing. There are a number of streets where the old homes are being stripped out and completely renovated, which is just making them up to date and modern for families to live in.

The website further says:

> Where a substantially renovated home is being purchased, it must be the first sale of the home since it was substantially renovated. It must never have been previously occupied as a place of residence since being substantially renovated.

This is not only good news for country Victoria and areas of Melbourne where there are new homes being built but also good news for people in the local area in my electorate. I am sure other members would also be aware of this — once they have found out about it, like I have — and will be very pleased about this.

This is a great boost for young families in Victoria, because Victoria, as we all know, is a great place to live, work and raise a family. This is a further boost given to working families here in Victoria, making sure we have jobs here in Victoria for our working families. This federal package is great news for Victorians in giving them a great boost. And it includes the seat of Scoresby.

There are a number of other provisions in this bill which have been discussed in regard to equity release programs. The age limit is being reduced from 65 to 60. It used to be done on the basis of the eligibility for the pension in terms of the federal act. Here it is bringing it in line with New South Wales legislation by bringing down the age requirement to 60.

The bill contains a range of new provisions or clarifications in respect of the bare legal titles, the bare trusts, and also arrangements which come about in terms of sub-sales. Yes, I realise that we put into place arrangements for this several years ago, but in these areas where there is a lot of discussion and people seek clarification from the State Revenue Office, it is only appropriate that that clarification is carried forward into legislation so people have the advantage of that certainty when it comes to paying duties. That is quite a significant part of this bill.

I have already mentioned, following on from the member for Rodney, the sheep and cattle duty, the sheep and goat duty and also the swine duty, which is also covered by this bill. There are a range of matters in this bill, but the great news is the boost given to first home buyers. It is something that is welcomed right across Victoria, right across Australia and not only in country Victoria, not only in the outer suburban areas but also right throughout all parts of municipal Melbourne, because it provides a wonderful boost for first home buyers at this particular time. It could not come at a better time for them. I commend this bill to the house.

Dr SYKES (Benalla) — I rise to speak on the State Taxation Acts Further Amendment Bill. As previous speakers have indicated, the bill amends a number of existing acts: the Duties Act 2000, the First Home Owner Grant Act 2000, the Livestock Disease Control Act 1994 and the Taxation Administration Act 1997. I would like to concentrate my remarks on the Livestock Disease Control Act amendments, which are basically intended to improve the efficiency and modernisation of the collection of duties for use for the benefit of those industries.

In the second-reading speech the minister states that the funds collected by these levies are used to provide necessary compensation for damage caused by the outbreak of livestock diseases. The member for Rodney touched on some uses of the compensation, but I would like to expand on the situation for owners. In the case of cattle compensation, it used to be able to be claimed for a large number of diseases. Now the number of diseases for which it can be received has been reduced to mainly Johne's disease, which can cause significant losses and financially impact on cattle producers, and also, as I understand it, tuberculosis in cattle, which still exists in Australia.

Interestingly and importantly, the compensation fund can also be used for other investments that are perceived to be of benefit to the cattle industry. Subject to the agreement of the Cattle Compensation Advisory Committee, which as the member for Rodney indicated includes representatives from the Victorian Farmers Federation, the Victorian Stock Agents Association and livestock producers, cattle compensation funds can be used to supply vaccine for the vaccination of animals against anthrax, which can be a significant disease in the Goulburn Valley on occasions. The use of those funds is much appreciated by the property owners who are unfortunate enough to have an occurrence of anthrax on their property and up to 10 000 or more head of stock have been vaccinated as a protective measure against anthrax.

The cattle compensation money can also be used to assist with the cost of tracing mechanisms, which include the national livestock identification system. Interestingly that system and other aspects of the biosecurity risk management of the Department of Primary Industries were the subjects of an Auditor-General's report that was tabled today. It is to the credit of the DPI staff, in particular the animal health staff, that the Auditor-General's office gave a large number of ticks to the work and planning of the organisation, while also noting that there was an opportunity for continued improvement. I know that includes improvement of the ability to trace. The Sheep

Compensation Fund is also used to assist with ovine Johne's disease by paying for or making a contribution to the cost of animals that may undergo post-mortem in order to diagnose Johne's disease.

In the case of swine there are no diseases listed at present that attract compensation, but as with other species, there is an opportunity to use any levies that are raised for the benefit of the pig industry in combating serious endemic diseases. I should note that the pig industry in Australia is experiencing great difficulty. It went through a period of very high costs of food, particularly when grain costs were high, and a concurrent low price for its product at the abattoir when the industry was competing with imported product. The net result is that a large number of pig producers have gone out of business in the last 12 months. Now we have a situation where there are problems with supply.

The member for Rodney also mentioned the issue of wild pigs causing problems in the Barmah forest. There is a potential for the same situation to occur nearby in Benalla, because wild pigs are already causing problems in the Tatong Hills. However, in the event that Lake Mokoan is decommissioned, one of the great concerns of local people is that it will become a weed and pest-infested swamp and that wild pigs would be very likely to infest the swamp. That raises the question of who is responsible for the payment of levies in the event that those pigs are sent for slaughter or are sold. According to the noted bush lawyer, the member for Rodney, it would appear on his reading of the Livestock Disease Control Act that the owner of that land would be responsible for the levy. The government would be responsible for paying the levy for pigs it has allowed to run feral and cause great environmental damage.

The other issue of interest is stamp duty, which has been the subject of much debate in the house. I would like to see it simplified, and not just in relation to the first home owner grant situation. It is not a question of whether we have reduced the percentage of the cost price of the premises that attract stamp duty; it is whether stamp duty has increased on the average home during the term of this government. That is a very simple question, and I would welcome a simple answer to it.

I will now return to the Livestock Disease Control Act, and in particular to the use of the funds that are raised. I think it is helpful for members in this place who are not familiar with farming and livestock operations to understand some of the background to the matters they are debating. The national livestock identification system is an extremely important use of the levy. It provides a means of reliably and quickly tracing animals and animal products in the event of serious endemic or exotic disease and also in the event of food scares, whether they be associated with microbial contamination or chemical contamination. By having this reliable system in place we are able to assure our trading partners of the quality of the product they are receiving. Equally, in the event that a problem is detected, there can be rapid follow-up and minimisation of damage. I recall in a previous career when I was working with the meat industry we had one instance of chemical contamination that resulted in a $30 million cost to the Australian livestock industry. It is possible to reduce those costs through the use of funds raised by industry and supported in some cases by government, so it is important to have that mechanism in place.

In summary, in the last minute that is available to me, I want to say that the critical thing with any approach to, in this case livestock disease control, is legislation. The ability to raise money and fund control measures is important, and we now have a funding formula that enables different pro rata funding depending on whether the disease affects primarily livestock or whether there is a human health issue. In the case of anthrax, my recollection is that 80 per cent of the funding comes from consolidated revenue and 20 per cent from the livestock industry, because it is perceived as primarily a human health concern whereas with other diseases the cost is borne more by the livestock industry.

It is important to have legislation and it is important to have funding, but what is absolutely fundamentally important is to have an informed and supportive livestock industry. The thing that sets apart the Australian and Victorian livestock industries from the rest of the world is the fantastic cooperation we have had from those industries over the preceding two decades in order to achieve magnificent outcomes in relation to exotic disease. It would be a pity if that cooperation were lost as a result of the government persisting with its foolhardy north–south pipeline.

Debate adjourned on motion of Mr SCOTT (Preston).

Debate adjourned until later this day.

Sitting suspended 6.31 p.m. until 8.03 p.m.

PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL

Second reading

Debate resumed from 9 October; motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr O'BRIEN (Malvern) — It is a rare treat to rise to speak in the debate on the Prostitution Control and Other Matters Amendment Bill 2008. I can state at the outset that the opposition does not oppose this bill, the purpose of which is to amend the Prostitution Control Act 1994 to introduce new provisions regarding relatives of licensees or managers, to create offences relating to licensees being in effective control of a business, to authorise the issuing of infringement notices for certain breaches of the act, and to provide for certain matters as constituting evidence of a prescribed brothel. The bill also amends the Second-Hand Dealers and Pawnbrokers Act 1989 to provide that documents required to be made available to police may be required to be produced electronically or in paper form.

Clause 3 of the bill amends the definitions of 'brothel' and 'escort agency' to include the offering of services as well as their provision. It appears that the genesis of this amendment comes from the difficulty that certain local government agencies and other authorities have had in attempting to produce evidence that certain premises were in fact being used as illegal brothels. From various media reports, it appears that some local councils engaged agents to patronise the services concerned at premises they suspected might have been an illegal brothel. In order to secure evidence that would be deemed necessary to secure a conviction in a court and allow the local government agency to therefore take action against that illegal brothel, it was necessary to produce evidence that prostitution services had actually been provided.

It is not remarkable that this practice caused some concern in the community and amongst ratepayers and certain councils. There was a feeling that, while it is very important to obtain evidence of illegal brothels, the notion of using ratepayer or taxpayer funds to engage agents to patronise the services of illegal brothels for the purposes of securing evidence was not something that was appropriate. The purpose of clause 3 of the bill, which amends the definitions of 'escort agency' and 'brothel' to include the offering of services, appears to be quite sensible in that regard.

Clause 3 also expands the definition of 'relative' and inserts a definition of 'uninvolved relative'. This is useful in later sections of the bill in order to try and ensure that relatives of people who are engaged in the keeping of a brothel are brought in under the banner of an associate, but that somebody who is completely uninvolved with the operation of the brothel does not get so caught.

Clause 6 of the bill inserts new sections 42 and 42A into the Prostitution Control Act. These amendments are aimed at introducing some new offences under the act which are aimed at those licensees or managers of a brothel who do not actually supervise operations and are not in effective control. It is very important from a probity point of view that the licensees who have been licensed by the Business Licensing Authority are the people actually running the business.

It is in nobody's interest to see front men or ghosts or silent partners or however you want to describe them being used to clear probity with the Business Licensing Authority, but then have somebody who might be far less appropriate actually controlling the operation of the service. For that reason it is important that the person whose name is on the licence has a legal obligation to manage the brothel and to take steps to ensure they are in effective control of that brothel, because legally they are the person, or people, who are responsible for the operation of the brothel.

Proposed section 42 lists a number of different offences in the category of not maintaining effective control. A possible consequence of breaching one of these section 42 provisions is that it could lead to the cancellation of a licence. Proposed section 47(1)(h) of the act provides that a breach of section 42 is an offence which could lead to the cancellation of a brothel licence. It is very important that these provisions be adhered to, and because of that importance it is also very important that the obligations on licensees be made completely clear. There are a couple of issues I would like to raise in that regard, because it appears that some of the language used in this bill is a little bit loose and a little bit ambiguous. In fairness to all — that is, in fairness to the community, to the Business Licensing Authority and to licensees — when people have legal obligations exactly what they are should be made quite clear. For example, proposed section 42(4) provides that:

> A licensee must take reasonable steps to ensure that any approved manager, employee, independent contractor or any other person connected with the licensee's business complies with the provisions of this Act and any other laws relevant to the conduct of the business while the licensee is engaged in that business.

That raises the question: what are other laws relevant to the conduct of the business? Are they taxation laws? Are they occupational health and safety laws? Are they equal opportunity laws? Are they planning laws? There are myriad laws that can affect a business, and to say that you could be at risk of losing your licence if you do not ensure that all laws relevant to the conduct of your business are adhered to is a potential sanction. It is a bit concerning that there is no definition of what those other laws are that are relevant to the conduct of the business. Licensees and others deserve some certainty, and that appears to be missing with this bill.

Likewise proposed section 42(5) provides:

> A licensee must establish procedures designed to ensure that the licensee's business is conducted in accordance with the law and in a suitable manner.

I do not think anybody would have any problem with saying that a licensee should ensure that their business is conducted in accordance with the law. But then there is an additional requirement in this subsection — that is, that the business be conducted in a suitable manner. What is a suitable manner beyond compliance with the law? That is a very wide and subjective phrase. What is a suitable manner to me might be a different concept to what is suitable to the minister at the table, or to the Acting Speaker, or to any other member of this house. In fact it is probably not unreasonable to say that what is a suitable manner will differ depending on exactly who you speak to. The provision for somebody to potentially lose the licence to run their business, not because they have not conducted their business in accordance with the law but because they have not conducted it 'in a suitable manner', to use the words of the subsection, is quite a vague provision. I do not think it is a particularly good provision because people are entitled to certainty and to know what their obligations are.

While I have no problem with the idea or the fact of a requirement that a business must be conducted in accordance with the law, using such vague terminology as saying it must also be conducted 'in a suitable manner' does not do the Parliament or the community a lot of good. Flexibility in legislation can sometimes have its merits, but using vague phrases to impose onerous legal obligations does not qualify as particularly good legislative action.

Proposed section 42A deals with the absence of a licensee. It is apparent that a particular person who is the licensee of a business in the field of providing prostitution services may not always be available to be in control of that business, and accordingly the new provisions deal with the obligations of that licensee where they are going to be temporarily away from the business. If they are to be away from the business for more than 7 days but less than 30 days they must notify the authority in writing of the absence as soon as practicable and in the notice nominate a licensee or an approved manager to be in effective control of the business during the licensee's absence. If the licensee is to be absent from the business for more than 30 days, the licensee must apply in writing to the authority to appoint a nominated licensee or an approved manager to be in effective control of the business during the licensee's absence.

It appears to me from the bill that there is no obligation on the person who is appointed instead of the manager or the licensee to acknowledge that they were obliged to do that. One could foresee an instance where a licensee had taken off on a holiday and filled in the paperwork to the authority advising that Mr John Smith would be in effective control, but then an issue arose with the business and Mr John Smith claimed he had no knowledge of the fact he had been nominated. I raised this in the briefing, and I appreciate that the minister's office got back to me and informed me that the nominee would be required to co-sign the nomination form. That is certainly a useful provision. It may have been better if this had been provided for in the bill itself rather than being left as an administrative issue. Nonetheless I am glad I had the opportunity to raise that concern and that the minister and the department have taken it on board.

Proposed section 42A(3) provides:

> In determining an application under subsection (2)(b) —

which is where a licensee will be absent for more than 30 days —

> the Authority must take into account any prescribed matters.

My advice from the minister's office and the department is that no matters have been prescribed at this point. I understand this will be done through regulation at the appropriate time. I would hope that those matters will be communicated widely to not only the industry but also to members. If we are to pass legislation which will empower authorities to list prescribed matters that go to the heart of maintaining probity and integrity in a very sensitive industry, we should be kept informed of what is happening with that.

I will skip to clause 11 of the bill, which amends section 63(1) of the act by substituting the term 'senior sergeant' for 'inspector'. Section 63(1) of the act provides for application for a search warrant for unlicensed premises. Presently it provides:

> A member of the police force of or above the rank of inspector may apply to a magistrate for the issue of a search warrant in relation to particular premises if the member believes on reasonable grounds that a person is carrying on business at those premises as a prostitution service provider in contravention of —

the act. The bill reduces the level of rank it is necessary for an officer to hold in order for that officer to apply for a search warrant. I am not aware of particular cases where an inspector has been unwilling, unable or not available to make application for a search warrant, but having said that, the opposition does not have any objection to increasing the number of police officers who may be in a position to make application for such a search warrant if necessary.

Clause 12 of the bill provides that certain offences contained within the principal act may be prescribed as being infringement offences. Essentially this means they can be dealt with through on-the-spot fines. Clause 17 of the bill lists a number of those offences. They seem to be the types of offences where not a high level of discretion is involved. For example, the signage required by the act has or has not been displayed. That would appear to be the type of offence for which an infringement notice is appropriate.

Clause 16 of the bill is something about which I do have some level of concern. It is not because of the intent of clause 16, it is more a case of its legal construction and the fact that it may have the completely opposite effect from what is intended. Clause 16 inserts new section 85A into the principal act. It is headed 'What constitutes evidence of proscribed brothel' and provides:

> (1) For the purposes of section 80(3A), the Magistrates' Court may take the following matters into consideration …

It lists various matters in paragraphs (a) through to (e), including what must be described as circumstantial evidence, such as people entering and leaving premises consistent with the use of premises for prostitution services, appointments at the premises for what a reasonable person would believe were the purposes of prostitution services, and advertising where contact details are provided which can be linked to premises offering prostitution services et cetera. This appears to have been driven by a desire to make it easier to secure convictions against operators of proscribed brothels, and declarations from the Magistrates Court that a premises is a proscribed brothel, because that is obviously the necessary step before it can be closed down.

I am worried that in attempting to make it easier for the courts to use circumstantial evidence this clause actually limits what is a very broad discretion that the courts currently have. Section 80(3A) of the Prostitution Control Act states:

> On the hearing of an application under subsection (1) —

which is to say an application for a declaration of a proscribed brothel —

> the Magistrates' Court may take into consideration any evidence which it considers credible or trustworthy in the circumstances.

As I said, the opening words of new section 85A(1) provide:

> For the purposes of section 80(3A), the Magistrates' Court may take the following matters into consideration …

Then it lists various matters. I think there is at least a respectable argument that the listing of those matters that the Magistrates Court may take into consideration for the purposes of section 80(3A) might be seen to be limiting the ability of the Magistrates Court to consider other things. Generally when legislation lists particular items which, for example, a court can take into consideration as evidence, if the intention is to keep a broad generality, it will provide 'without limiting the generality of the foregoing, the following matters may also be taken into consideration', but there is no such clause in this new section 85A. I would hate to think that the police, Consumer Affairs Victoria and local government authorities would be getting very excited about using this bright, shiny, new provision in trying to close down illegal brothels and find themselves dealing with a magistrate who finds that his or her discretion, rather than being as broad as it is under the current act, is limited to just those matters listed in paragraphs (a) to (e) of new section 85A(1). It is a small drafting matter but, as we all know, small drafting matters in legislation can have very major consequences. Courts are usually loathe to do anything other than give the absolute benefit of the doubt to a defendant, particularly when we are talking about quasi-criminal matters.

I think there is a real worry that the way this new section 85A has been drafted will limit the discretion of the Magistrates Court because it does not state that those matters enumerated in new section 85A(1) are in addition to the broad discretion conferred under section 80(3A), which, as I said, provides:

> For the purposes of section 80(3A), the Magistrates' Court may take the following matters into consideration …

I repeat: it would have been far better had this been drafted with a stock standard clause at the start, to the effect of 'without limiting the breadth of the discretion or the generality of section 80(3A), the following matters may also be taken into consideration'. I hope the Minister for Consumer Affairs and the department will take appropriate advice on that and ensure that they do not inadvertently make it far more difficult for local authorities, police and other agencies to take effective enforcement action against illegal brothel operators.

I note that, where evidence is required to establish that sexual services are being offered or provided at a premises, new section 85A(2) provides that:

> … evidence of the presence on premises of materials commonly used in safe sex practices is inadmissible for the purpose of establishing that sexual services were being offered or provided at the premises.

I understand the reason for that provision is that even in relation to illegal brothels the Parliament would not wish to in any way discourage the practise of safe sex. Obviously in some ways it would be easier to try to secure a conviction against an illegal brothel if evidence relating to safe sex practices were admissible, but I think there is a countervailing health argument which means that this provision is quite sensible. It is something to which the opposition lends its support.

I suppose it raises the question: what are materials commonly used in safe sex practices? While one could think of some obvious candidates for that category, there may be some others which a magistrate would have a very interesting time trying to determine and decipher, but I will leave that for those more learned than I am.

It is pleasing to see this bill brought into Parliament, albeit that it is being debated a little bit sooner than we might have thought. The manager of opposition business was informed by the government last week that this bill was not to be included in the government business program. We received very late notice on Monday afternoon that the government had decided to put it in the business program. I think it is very unfortunate, particularly given it is in a portfolio where there can be a lot of bills being considered at any one time, as there certainly are in the consumer affairs portfolio at the moment.

Mr Robinson — Busy.

Mr O'BRIEN — It is a very busy portfolio, as the minister says. A lot of work needs to be done in it. It is unfortunate when the opposition is provided with misleading advice from the government on when certain matters will be put in the government business program. It is a matter of fact that the opposition was informed last week that this bill would not be in the government business program this week and then the government flip-flopped and changed its mind. It just shows that you cannot trust what the Labor government tells you.

In the few minutes remaining to me I note that this government and the minister have been full of promises on illegal brothels. I refer to an article in the *Herald Sun* of 26 October 2007, written by Keith Moor and entitled 'Minister promises tough laws on brothels'. It is just the sort of *Herald Sun* fodder this government loves; it tries to make it appear it will be very tough on law and order. The article says:

> Measures Mr Robinson is considering include —

and I will go through some of them —

> …
>
> letting council staff or police use evidence of sexual activity provided by illegal brothel clients and employees without having to identify the clients and employees or requiring them to testify.

That certainly does not appear to be in the bill, and I ask the minister why he has not gone ahead with that. Another initiative is:

> Giving councils and other bodies the power to use circumstantial evidence to issue brothel closure orders which must be complied with within five days.

That sounds very tough; it sounded very good in the papers, but it is not in the bill. We have had the gung-ho newspaper report, but at the end of the day the government has brought a pretty weak piece of legislation to Parliament. Another initiative states:

> Cutting off the electricity, water and gas supplies of illegal brothels that fail to obey closure orders.

Again, that recommendation is nowhere to be seen in this legislation. Another initiative is:

> Reversing the usual onus of proof, forcing a business compelled to close to prove it was not an illegal brothel.

Again, there is no appearance in the bill. One wonders whether the purpose of this article was to secure a good headline for the minister. Was it just another thought bubble, like removing liquor licences from strip clubs, which did not last even until lunchtime in terms of government policy? You have to ask: what is the point of this sort of article when the minister does not follow through?

Illegal prostitution is a very serious issue. There are tax implications, and there are planning implications, local residents are upset by it and councils are upset by it, but there are some very serious health implications and very serious sex slavery implications as well. You are far more likely to see sex trafficking coming out through illegal brothels than you are through licensed ones. It is absolutely essential that we take all steps necessary to deal with illegal brothels, and I wonder why, when a suite of measures was proposed by the minister in this article, there has been no follow through whatsoever.

It is very important not just for the public but also for the people who work in these establishments who are often the most vulnerable in our community but also for their clients who have vulnerabilities of their own. I think we should leave no stone unturned in trying to deal with the scourge of illegal brothels and exploitation in the sex industry in this state. It appears that this is a very half-hearted response from the government given what was flagged in the paper only one year ago.

In the article the minister states:

> I think we probably don't learn quickly enough from other jurisdictions.

I think the minister is right there. He does not learn quickly enough — full stop! He goes on to say:

> The NSW thing gave us food for thought.

This is a government that sees an illegal brothel still operating about 100 metres from the headquarters of Consumer Affairs Victoria, but no action seems to have been taken. This bill has done absolutely nothing to deal with the problem of Consumer Affairs Victoria, Victoria Police and local governments all dropping the ball between them in terms of not taking responsibility for the prosecution of illegal brothels. The government and the minister have been promising a memorandum of understanding for months to try to finally end the duck-shoving on this issue, and he has delivered absolutely nothing.

This bill is a pale shadow of what the minister flagged in the press. We have a bill that does not deal with the issue of responsibility for enforcement of the Prostitution Control Act between Consumer Affairs Victoria, Victoria Police and local government.

While there are some measures in the bill which are useful, there are also some very serious potential flaws on which I urge the minister to obtain appropriate advice. Ultimately this is just another half-hearted attempt to deal with the very real problem of the illegal sex industry in this state; a problem which has the potential to damage many people; and a problem which further exploits the most vulnerable in our community. While the opposition does not oppose the bill, the minister and the government certainly have a lot more work to do if they are to be seen to be taking any sort of really effective action in tackling the scourge of illegal brothels in Victoria.

Mr LUPTON (Prahran) — I am pleased to make a contribution tonight in support of the Prostitution Control and Other Matters Amendment Bill. I compliment the minister for bringing this legislation forward. I believe it will make a very positive contribution towards ensuring the illegal brothels that have been operating in Victoria are more effectively closed down and prosecuted.

The most important first element in this legislation is the improved capacity that will be given both to councils and to police to close down illegal brothels and successfully prosecute offenders — those people who are and have been running and managing illegal brothels in Victoria.

Another important aspect of the bill is that it will tighten up the licensing regime to ensure that only reputable individuals and businesses are licensed prostitution service providers. It will make it easier for the Business Licensing Authority to cancel licences and approved manager status where licensees or their approved managers are associating with criminals or have themselves been convicted of serious crimes.

Another element of the bill is the strengthening that it gives to enforcement provisions in relation to licensed brothels by increasing the penalties available in proceedings at the Victorian Civil and Administrative Tribunal and introducing the capacity for enforcement agencies to issue infringement notices for minor or technical breaches of licences and planning permits.

As the name of the bill indicates, some other matters are dealt with, and one matter of particular note is an amendment to the Second-Hand Dealers and Pawnbrokers Act to clarify the powers of police to require hard copy records from electronic recordkeeping systems kept by pawnbrokers and second-hand dealers. It will mean that where pawnbrokers and second-hand dealers keep electronic records of their business transactions, police will more readily be able to acquire hard copy records of those business transactions in order to use that material in court proceedings in evidentiary terms as well as in the ability of police to obtain that evidence in a more

simplified manner, which will positively aid the administration of justice in relation to those aspects of the legislation. It is an important, although small, amendment, and it will have some positive effects in that regard.

Of course one of the most significant aspects of the legislation before the house relates to the enforcement of the law against brothels which are operating without licences or permits. Local councils and Victoria Police — and in other matters Consumer Affairs Victoria has also been involved — have faced difficulties in relation to the enforcement of provisions against brothels that do not have a licence or a permit. Under the Prostitution Control Act, local councils and Victoria Police are empowered to seek orders from the Magistrates Court proscribing certain premises as illegal brothels.

Amendments to the definition of 'brothel' and 'escort agency' in this legislation, and the insertion of provisions to clarify the types of circumstantial evidence that courts may consider in determining whether to order that premises are proscribed brothels, will make it easier for councils and police to enforce these provisions. Essentially what we are doing with this legislation is amending the definition of 'brothel' in section 3 of the act, and with the insertion of the provisions dealing with circumstantial evidence we are enabling the courts to take into account a wider variety of circumstances determining whether premises are being used for prostitution without a licence.

The bill also enables police of the rank of senior sergeant and above to apply for search warrants to enter illegal brothels. Currently the power to apply for search warrants is limited to officers of the rank of inspector or above in Victoria Police. By lowering the rank to senior sergeant or above this amendment will enable a greater number of police to apply for search warrants and obtain them more speedily and readily in circumstances where they may be needed. That will aid in the more effective collection of evidence and the more effective enforcement of the law in relation to premises that are operating without licences.

The legislation also limits who may hold a licence or approval to operate or manage a brothel or escort agency on the basis of specific factors. For example, a conviction for certain offences disqualifies a person from holding a licence or an approval. In addition, people with associates who are disqualified from holding a licence or approval are also disqualified by virtue of that association. What the bill before the house will do is tighten up this aspect of the licensing regime. The way it will do that is by broadening the definition of 'associate' so that it will not be limited to spouses or domestic partners but will also include relatives. This amendment will bring the prostitution licensing scheme into line with certain other licensing schemes operating in Victoria, so there will be a greater degree of harmony in relation to who may or may not be disqualified from holding a licence based on their associations. Widening the scope of associates to include certain relatives has been an effective way of improving licensing arrangements in other areas such as liquor licensing, and it is an appropriate and sensible move to incorporate it into this legislation as well.

The bill also introduces a requirement for licensees to exercise effective control over their prostitution businesses. This is a measure that brings this area of the law into line with a range of other licensing arrangements in Victoria. While the legislation does not require the person in effective control to be present at all times and will enable managers to operate certain day-to-day arrangements, it will mean that somebody will have to be in effective control of the business and be responsible in that office. The effective control requirements for providers take account of those facts. Currently a licence is automatically cancelled if the licensee is found guilty of certain serious offences. What this legislation does is expand the list of serious offences, in particular certain offences under the commonwealth Migration Act and the Commonwealth Criminal Code. It brings a greater number of offences within the ambit of this legislation, thereby improving the ability to cancel licences. It enables licences to be cancelled automatically if certain offences are committed.

Overall this legislation strengthens the administration of the licensing regime. It strengthens the licensing regime and will act more effectively in enforcing the law with respect to brothels that have been operating without licences and permits. I commend the bill to the house.

Mr WELLER (Rodney) — It gives me great pleasure to rise tonight to speak on the Prostitution Control and Other Matters Amendment Bill 2008. The purpose of the bill is to amend the Prostitution Control Act 1994 to introduce new provisions dealing with the relatives of licensees or managers and require licensees to be in effective control of their business. It also authorises the issuing of infringement notices for certain breaches of the act and sets out certain matters as constituting evidence of a prescribed brothel. It also amends the Secondhand Dealers and Pawnbrokers Act 1989 to provide that documents required to be made available to police may be produced electronically or in paper form.

I turn to the main provisions of the bill. The bill will expand the definition of 'associates' in the Prostitution Control Act to include relatives involved in the business. It amends the definitions of 'brothel' and 'escort agency' to include the offering of prostitution services rather than limiting the definition to the provision of such services. That is where the difference is: the bill expands the definitions to include the offering of services. The bill inserts a new requirement for a brothel licensee to be in effective control of the business and provides for certain breaches of the legislation to be enforceable via an infringement notice.

The bill provides that a police officer of the rank of senior sergeant or above can apply to the court for a search warrant relating to a suspected unlicensed brothel. Previously search warrants could be issued to an officer of the rank of inspector or above, but if this bill goes through, and it should, a lesser ranked police officer will be able to apply for a search warrant. The bill sets out a number of matters that a court may take into consideration in determining whether premises are being used as a proscribed brothel. This aims to relieve the prosecuting authorities of some of the burden of demonstrating that prostitution services were provided at the unlicensed venue by expanding the scope to include the offering of prostitution services and by prescribing the type of circumstantial evidence that a court may take into account in determining whether a premises is an unlicensed brothel.

I will go through the bill. Clause 3 amends the definitions of 'brothel' and 'escort agency' and inserts the words 'relative' and 'uninvolved relative' into section 31 of the Prostitution Control Act. An involved relative is someone who has been involved in the business. If, for instance, Mr X were involved — —

Mr Robinson — Mr X! What about Mr XXX?

Mr WELLER — Mr Robinson perhaps. I will use Mr X as an example. If Mr X is the manager and owner of a brothel and he commits a criminal offence under the legislation, his licence can be taken away and he will no longer be able to operate in the industry. However, currently Mr X's brother — I suppose he would be Mr X no. 2 — could then assume the right, and it would be business as usual. The government's proposal with this legislation is to remove that loophole, and I support that. If we allow Mr X no. 2, who is the brother of Mr X, to continue to operate, we would not achieve anything. It is a common-sense thing to do, and we are supporting that. However, if Mr X's cousin, who is Mr X no. 3 — —

An honourable member interjected.

Mr WELLER — He might be Mr XY because he is crossed, but he is related to Mr X no. 1.

Mr Robinson interjected.

Mr WELLER — I am explaining the technicalities of this bill. Even though Mr XY is related, he is uninvolved — he has not been involved in the business. He could prove no involvement in the business, and he could then continue on in the business, and quite rightly because he has not been involved at all in the brothel or escort agency where the laws were broken.

I will move on to clause 11, which amends the Prostitution Control Act 1994 to provide that a member of the police force — and we have made it clear that it can be a senior sergeant, not only an inspector — can get a search warrant. That means we can have a quicker response and resolve the problem quicker. There has been some confusion in this government — —

Mr Robinson — There has been some confusion in the last 5 minutes!

Mr WELLER — No, it is all very clear, how it is going to work.

There has been some confusion within the Labor government. I go back to when Mr Thwaites was planning minister — this is in relation to the amendment in clause 14, which refers to the Planning and Environment Act 1987.

In 2001 Dr Michael Kennedy, the chief executive officer of the Mornington Peninsula Shire Council, wrote to the then planning minister, John Thwaites, asking him to ban brothels in Hastings. The minister wrote back, indicating that he did not support a ban in Hastings. I will quote briefly from his letter:

> First, most prostitutes working in a Hastings brothel would not be likely to be a resident of Hastings, but reside elsewhere, probably in Melbourne. Second, most clients of a Hastings brothel would be likely to be resident elsewhere. Most would be either resident at HMAS *Cerberus*, the crew of visiting vessels, resident elsewhere on the peninsula, or temporarily working in and around Hastings. Third, and as a result of the above, Hastings cannot be said to be a typical small town in regional Victoria. As well as being a port town close to Melbourne, it is a town with significant areas of industrial land.

In December 2005, the then Minister for Planning, now the Attorney-General, replied to a similar request from the member for Shepparton, stating:

> The City of Greater Shepparton, as planning authority for the Greater Shepparton planning scheme, may review its local planning policy framework to provide for specific policy reference to adult/sex establishments such as brothels. This

> would provide council and VCAT (upon review) a clear direction about the key considerations relevant to Shepparton in determining such applications.

Then in the case of the shire of Campaspe, when a brothel was proposed for Echuca, which is in the seat of Rodney, the community of Echuca said no. Then at its meeting the Campaspe Shire Council voted no. Campaspe shire wrote in its own right to the current Minister for Planning, as did I, asking him to intervene and allow the shire to have a ban on brothels. The reply was:

> I consider there to be insufficient strategic justification to support the request. I am not convinced that the ban on brothels would assist in achieving the objectives of planning in Victoria and that a brothel would cause social disruption and a lack of anonymity for workers and clients, as stated in the draft explanatory report.

What members have to remember is that Echuca is indeed a small town. Echuca does not have HMAS *Cerberus* parked in its port; we do not have sailors coming in regularly. The heyday of the port of Echuca was back in the late 1800s, it is not in the 21st century. The minister went on to say:

> The health and safety of workers and clients of a brothel is an important part of the Prostitution Control Act (1994). Health and safety issues can be managed in a brothel operated by a licensed operator better than in unapproved premises.

The minister is saying that because there is the threat of an illegal brothel we have to approve a licensed brothel. Does the community not have the right to say no? The community does have the right to say no to a brothel, and we should have undercover police to find illegal brothels and put them out of business. I thought that was what this bill was about — that we should not have illegal brothels operating. If a community, particularly in a small town with fewer than 20 000 residents, wants to say no to a brothel, it should be able to say no. Echuca is a town of 10 000 people. The minister said we should have the brothel because there is the threat of an illegal brothel opening. That is not good enough.

Mr BROOKS (Bundoora) — I will be speaking in support of the Prostitution Control and Other Matters Amendment Bill 2008. A number of clauses of this bill amend the principal act, the Prostitution Control Act 1994. The bill also amends the Second-Hand Dealers and Pawnbrokers Act 1989. I will not be dwelling on that part of the bill, but will speak on some clauses that propose amendments to the Prostitution Control Act 1994.

It is important at the outset to talk about the context of this bill, and that is that for some time we have had broad support on both sides of politics and within the community for a regulatory approach to prostitution control. That has been so for very important reasons, which some members have already spoken about. In particular it is important for the safety of people working in the sex industry and their clients and the health of those people. It is important also for planning reasons. The previous speaker raised a particular planning issue. It is important that we agree at a broad level that when decisions are to be made about the siting and the size of establishments such as these the community is involved through the planning processes. There are obviously places where brothels are not appropriate — certainly around schools, churches and those sorts of venues. It is important that we put that in context before considering this bill, which simply seeks to strengthen those particular aims.

Clause 3 of this bill amends the definitions of ‘brothel’ and ‘escort agency’ and does a number of other things, but certainly the insertion of a couple of words into those clauses is quite important because they effectively resolve an issue that has been raised by local government and which has been in the media for some time. By changing the wording in the principal act, the definition of ‘brothel’ means any premises made available for the purposes of prostitution by a person carrying on the business of offering or providing prostitution services at the business premises.

A similar amendment to the definition of ‘escort agency’ means the business of offering or providing, or facilitating the offer, or provision of prostitution services to persons at premises not made available by the agency. That will hopefully alleviate the need, as we have seen in the press reports, for agents or investigators acting on behalf of local councils attempting to prosecute illegal prostitution activity by having to actually purchase sex to gather evidence. The change to this particular part of the act is very welcome.

Clause 16 similarly goes to ensuring that when authorities want to prosecute in the Magistrates Court to apply for proscription of the premises, the bill sets out a range of evidence that may be taken into account by the magistrate: such things as advertising, evidence of appointments, documentation and so on. As mentioned by a previous speaker, this section importantly makes an exception in relation to materials that would be commonly used in safe sex practices, and it is an important exception or omission because it is important that in trying to stop illegal brothel activity, we do not in the process contribute to any unsafe sex practices.

Clause 9 of the bill amends section 48A(1)(c) of the principal act essentially to up the penalty that the Victorian Civil and Administrative Tribunal can impose

to 600 times the value of a penalty unit. That effectively means what is now be a maximum of about $10 000 will rise to approximately $68 000 under this bill.

Clause 11 amends section 63(1) of the principal act to provide that a senior sergeant in the police force, or a higher rank, can apply to a magistrate to issue a search warrant in relation to these matters, whereas in the past that has been left to officers of the rank of inspector or higher.

Clause 19 adds to the list of offences that are set out in schedule 3 in the Prostitution Control Act 1994. These are offences that provide for the licence to be automatically cancelled if the licensee is convicted or found guilty of an offence in that schedule. The list includes allowing an unlawful non-citizen to work or allowing a non-citizen to work to work in breach of a visa condition, referring an unlawful non-citizen for work, and other offences including but not limited to slavery offences, sexual servitude offences, deceptive recruiting for sexual services; such things as trafficking in children, domestic trafficking in persons, aggravated offence of domestic trafficking in persons, debt bondage and aggravated debt bondage.

These are probably some of the most heinous and disgusting crimes people would be able to imagine, and it is important that this bill helps stamp out an illegal activity — that is, the illegal brothels that operate — where it is reported that some of these practices are encouraged, and for that reason it is important for us to support this bill.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Prostitution Control and Other Matters Amendment Bill 2008. Before I talk about this bill I refer to an excellent briefing paper provided by the library which mentions the history in Victoria, where there is a long history in legislating against prostitution, and various acts have been addressed against it.

First of all there was the Police Offences Act 1891 which made it an offence to be seen importuning for immoral purposes and the procuring of females was seen as a criminal offence under the Crimes Act 1891. Later there was the Police Offences Act 1907 and then in 1928 soliciting, behaving riotously in public, pimping, and prostitutes assembling in refreshment houses were offences incorporated into the Police Offences Act. In 1984 the Victorian government considered legalising some forms of prostitution. This was in reaction to concerns over the prevalence of street prostitution in areas like St Kilda and concerns over massage parlours operating without regulations.

In July 1983 the Victoria Police vice squad estimated there were 149 massage parlours in Melbourne, of which only 17 had valid permits. It is quite interesting that although brothels have been legalised for quite some time now, people operating legitimate massage businesses still have problems with clients who expect services other than legitimate massage.

The working party looking at the situation in brothels in 1983 spent a lot of time on the planning legislation. The report, although not intended to make moral or social judgements about prostitution, was focused on examining the current planning controls and the location of the massage parlours. It argued that town planners needed to recognise that massage parlours were acting as brothels. The working party also recommended that prostitution-related activities should not constitute criminal offences in a brothel with a valid planning permit, and so we went into the time of licensing brothels. The Planning (Massage Parlours) Bill 1984 was introduced, later amendments were made, and then it was changed to the Planning (Brothels) Act 1984.

The Neave report followed the working party's report on the legislation of brothels in Victoria. It was a tentative and early analysis into the effect of the legislation on aspects such as brothel advertisement and permit applications in 1985. It was, even then in those early days, able to identify practical problems with the legislation, expressed by an increase in escort agencies to avoid an arduous planning application process. Again the industry was finding ways of working around what were then new laws.

As we all know from reports and cases highlighted, escort agency work can pose a significantly higher risk for prostitutes since the worker typically goes into a home or hotel rented by the client. Therefore it is very difficult to screen or monitor that client. There was difficulty in enforcing the current law for prostitution-related offences.

In response to that report of 1986, the Prostitution Regulation Act was introduced, the intention of which was to protect young people from sexual exploitation, protect adult prostitutes from violence and intimidation, and protect the community from nuisance and disturbance. Importantly the Prostitution Regulation Act required the personal supervision of a brothel by a licensed owner or an approved manager. It also established a brothel licensing board to determine applications for licences to operate brothels.

The Prostitution Regulation Act was repealed by the Prostitution Control Act in 1994. Under current

legislation, the Prostitution Control Act, the objectives were: to seek to protect children, to lessen community impacts of prostitution-related activities, to ensure criminals were not involved with the prostitution industry, to ensure brothels were not located in residential areas or areas frequented by children, and to ensure that no one person, at any one time, had an interest in more than one brothel licence or permit.

The legislation was also to promote the public health of prostitutes and their clients, protect prostitutes from violence and exploitation, ensure brothels were accessible to inspectors, law enforcement officers, health workers and other social service providers, and promote the welfare, occupational health and safety of prostitutes. That act has been amended more than 25 times. Here we have another amendment which is again just tinkering around the edges — again, it is too little, too late.

In 2004 the Bracks government increased the licence fees. It was the first time they had been increased since the act came into force. But despite the consequences of operating an illegal brothel, conviction rates have been very low. A lot of the reason for that has been that various agencies involved have not had the passion or been able to identify which part of the legislation they should be responsible for. This amending bill is in some ways trying to address that.

The bill will expand the definition of 'associations' in the Prostitution Control Act to include relatives involved in the business. The bill will amend the definitions of 'brothel' and 'escort agency' to include the offering of prostitution services, but not just the provision of such services, which is what the current act does. It inserts new requirements. It also enables a police officer of the rank of senior sergeant or above to apply to a court for a search warrant relating to a suspected unlicensed brothel.

It also sets out a number of matters which a court may take into consideration when determining whether premises are being used as a prescribed brothel. As I highlighted before, the bill aims to relieve prosecuting authorities of some of the burden of demonstrating that prostitution services were provided at an unlicensed venue.

But unless the police force is sufficiently staffed to be able to carry out the effects of this act and to actually go and get evidence and make prosecutions, nothing is going to change. We are still going to see brothels operating illegally. We are still going to see people working in those illegal brothels being intimidated. Some of them of course will be illegal immigrants who sometimes are held there and work against their will. We are still going to see health issues. We are still going to see issues regarding children or people under the age of 18 working in these brothels. This is because there are not enough people being resourced by this government to actually do what the bill is saying it will do.

It is all right bringing an act, a bill or an amendment into this house, but if it is not properly resourced, how the heck are the police going to do all of that is expected of them when they have so many things they have to attend to apart from prostitution? There are higher incidences of rape and assault on the person. We have all of the problems with drunken people in the city. We have the problem with drugs. We have the problem of violence on trains. We have not got enough resources to look after that. So if you are the officer in charge and you have to prioritise the jobs that are coming into your station, how the heck are you going to prioritise a brothel over so many of the others — —

Mr Robinson interjected.

Mrs FYFFE — The minister actually says that the council will. Let me tell members that I live and work in the Yarra Ranges. I cannot see the Yarra Ranges Shire Council health inspector, the bylaws officer, going out there out of hours and checking on brothels. They will only react to complaints from residents.

As the minister very well knows, it is only if there is a complaint from local residents that the council takes any interest. Nothing is going to change with this bill. The laws are going to be there; and the provision for enforcement is going to be there. But the resources to enforce this bill are not going to be there.

I think the minister might think he is solving a problem, but just saying what you are going to do does not fix a problem. We are still going to have these problems. Prostitution is a business that has been going since man had recorded history. It is a service. It is needed in many areas. It would be great if the government sat there and actually said that several millions of dollars will be put into this issue to clean up the brothel industry, that a concentrated attempt was going to be made and that street girls were also going to be looked after. But it is not. It is just lip service, and it is not going to have any effect at all.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed from 9 October; motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr O'BRIEN (Malvern) — This bill is as redundant as it is undemocratic. This bill is nothing less than an attack on small business by a Labor government that has no time for small business but all the time in the world for its army of government-friendly bureaucrats. This bill seeks to place the director of liquor licensing above the law and, in doing so, treats small businesses worse than criminals. This is no exaggeration. In John Brumby's Victoria, murderers and rapists are entitled to natural justice but, under this bill, publicans and licensed cafe owners are not. This is an appalling piece of legislation that sums up much of what is wrong with the Brumby government. It is ill-conceived, bullying, non-consultative, ineffective and just plain stupid.

The Liberal-Nationals coalition will stand together with small business against Labor's plans to strip them of their legal rights and deny them natural justice. We will not support this bill because this side of the house will not support Labor governments and their unelected, unaccountable bureaucrats riding roughshod over the rights of hardworking, law-abiding small businesses.

The trial 2.00 a.m. lockout actually saw an increase in recorded violence and assaults. We know from Melbourne's recent experience that a lockout in itself does absolutely nothing to tackle alcohol-related violence on our streets. This entire debate must be understood on the basis of that now indisputable fact.

The one question for the Minister for Consumer Affairs to answer is: why are we even debating this bill? Having been embarrassed by the failure of the trial 2.00 a.m. lockout, the Premier said this week that the government would not proceed with the permanent lockout. The Premier was quoted in the *Age* of 10 November 2008:

> We've decided as government we will not be continuing with the permanent lockout.

The first thing to note is that there goes any pretence about the independence of the director of liquor licensing. The Premier is making it quite clear that it is he and not Sue McLellan who decides when there will be a lockout and when there will not.

We also know from an article in the *Age* of 10 August 2008 that the director says unequivocally she believes in lockouts. We also know from that article that Sue McLellan is 'a career public servant and Labor loyalist, a former ALP ministerial adviser'. Maybe that is why the Premier feels that when he speaks, he also speaks for the director. There is no wriggle room in the Premier's words either. I emphasise that he said:

> … we will not be continuing with a permanent lockout.

If the Premier is to be believed, why is there the need for a bill that empowers the director of liquor licensing to declare a permanent lockout anywhere in Victoria for any reason and without any consultation or accountability? Why is there the need to remove the right of small business licensees to object to a lockout? Why silence their voice? Why should this bill provide that in exercising the sweeping powers given to her by this bill, the director of liquor licensing is not bound by any of the rules of natural justice?

If the current Premier were a man who could be taken at his word, this bill would be withdrawn, because the Premier has told Victoria that the government will not impose a permanent lockout. As so many Victorians have found out the hard way, the Premier and the truth are little better than nodding acquaintances. This bill remains on the government agenda, and we can only assume it is because permanent lockouts also remain on the government's agenda, despite the Premier's words.

In considering the bill it is useful to recap on some of the measures already available under the act to deal with antisocial behaviour. For example, the director can issue breach notices leading to variation or suspension of a licence. The director can unilaterally vary any licence having given a licensee an opportunity to make submissions. Police members can ban an individual for 24 hours from a designated area. Courts can impose exclusion orders against individuals for up to 12 months. Police can immediately shut down any licensed venue for up to 24 hours when there is a danger of substantial harm, loss or damage.

I might point out that unfortunately even the Premier does not understand his legislation. When he was interviewed by Neil Mitchell this week he claimed the director of liquor licensing could suspend a licence for 24 hours. He actually got that wrong — it is the police that do that. The director can also declare a permanent or a temporary lockout under the existing laws as long as she follows the rules.

It is not as though there is not a strong array of powers that are able to be deployed under the act as it currently stands. The problem is not that we do not have laws in

place, it is that under Labor these laws are not enforced. That is the problem.

Let us examine the government's record on enforcing liquor licensing laws. In the 2008–09 budget the government announced a $17.6 million compliance directorate. This the minister's get-tough program on liquor licensing. The Labor's budget target for inspections, enforcement and compliance monitoring was exactly the same this year as for last year — that is, $17.6 million of taxpayers money was spent but with not one extra inspection.

With 18 000 liquor licences operating in Victoria, how many infringement notices do members think were issued for serving alcohol to intoxicated persons, according to Victoria Police figures, over the last year? Maybe 10 per cent, which would be 1800? No, it was 27.

Mr Baillieu — Twenty-seven hundred?

Mr O'BRIEN — No, there were only 27 infringement notices for serving intoxicated people. I could take the Minister for Consumer Affairs down to any nightclub on King Street on a Friday or Saturday night and show him 28 people who have drunk too much but are still getting served. This is a disgrace. The problem is Labor's failure to enforce it.

Mr R. Smith interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Malvern needs no assistance from members who are out of their place.

Mr O'BRIEN — Consumer Affairs Victoria's annual report, tabled in this house just a fortnight ago, states the number of on-the-spot infringements issued in 2007–08 was 2976 — that is, 301 fewer than for the previous year, or nearly a 10 per cent reduction. We have this rising tide of alcohol-related violence on our streets and the enforcement just is not happening.

If these enforcement figures appear a bit light on given the increase in alcohol-related violence in our cities and regional centres, it poses the question: why has more effective enforcement action not been taken? The answer lies buried in the KPMG evaluation of the government's dud 2.00 a.m. trial lockout.

Mr Robinson interjected.

Mr O'BRIEN — The minister has just interjected, 'At least you got to read it'. The minister held onto it for as long as he possibly could to try to make sure the opposition could not find out exactly the embarrassing little skeletons that lurk within this report. But, minister, bad luck — I have read it and I am about to tell you what you do not want to hear.

On pages 96 and 97 this evaluation says:

> In recognition of the complexity of the factors that are perceived to contribute to alcohol-related violence, stakeholders suggested a range of additional issues for future consideration. These included:
>
> …
>
> Greater enforcement of compliance with licensing conditions and responsible service of alcohol.

Who were these stakeholders who were consulted, and what do they have to say about compliance and enforcement? Again I quote:

> Members of Victoria Police and the security industry noted that, while this — —

that is, enforcement and compliance —

> was an area requiring significant action, there was currently a lack of available resources to properly enforce legislative compliance.

An honourable member interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The member for Malvern needs no assistance from the backbenchers. They are out of their places. If they want to comment, they would need to be in their places, for a start.

Mr O'BRIEN — The police say they already have the laws they need. They say the problem is that enforcement of compliance with the existing laws is not happening. They say that would tackle the problems on our streets but, and I quote:

> … there was currently a lack of available resources to properly enforce legislative compliance.

What an indictment of the Brumby government! If anything could get to the heart of this government's failure to get serious about cleaning up our streets, it is that simple truth reported by Victoria Police in the government's own report. The Brumby government has failed to give the police the resources necessary to enforce the law.

Unlike the government, the Liberal-Nationals coalition is deadly serious about taking the necessary steps to clean up our cities and make our streets safe. Labor clearly is not up to it but this side of the house is.

Therefore, I move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government commits to implementing a comprehensive solution to tackling rising levels of alcohol-related harm, violence and disorder including:
>
> (a) the provision of substantial additional police resources;
>
> (b) the provision of improved public transport options;
>
> (c) appropriate planning and liquor licensing controls;
>
> (d) better education of licensees and their patrons; and
>
> (e) consultation with, and engagement of, affected parties including licensees, patrons, local government, resident groups and emergency services'.

I turn now to the bill. Clause 1 of the bill states that its purpose is to amend the act 'with respect to late hour entry declarations', which is the technical term used in the legislation for lockouts. How does the bill amend the law? The substantive changes are to be found in clauses 4 to 8 of the bill and what they do very clearly, very deliberately, is strip away the basic rights of licensees and provide for the director of liquor licensing to be completely unaccountable and above the law in the exercise of her powers.

Section 87A of the current act provides that a licensee affected by a lockout can seek to have the decision reviewed in Victorian Civil and Administrative Tribunal. That provision is removed by this bill. Why should any government or bureaucrat want to strip away the rights of those affected by an administrative decision to have that decision reviewed? Is that not why we have VCAT? We know through experience over the centuries that governments and their officials are not the font of all wisdom and that sometimes mistakes are made. We have certainly seen a lot of that in the past nine years. Why should citizens who work hard to build a business, who pay their taxes, who employ Victorians, who add to the pleasure of living in this state, not have the same right as anyone else to seek a review of an administrative decision affecting them, simply because their business has a licence to sell alcohol?

Sadly, Acting Speaker, we know the answer. It is because the director, the minister and the Premier were publicly embarrassed by the failure of the trial 2.00 a.m. lockout and particularly the large number of stays granted — with the director's consent, I add — to affected licensees.

In my former profession if I had a client who was getting into trouble for not following the law, my advice would be, 'Clean up your act and next time obey the law'. But this is not the attitude of the Brumby government. When its director of liquor licensing gets into legal trouble at VCAT for the way she imposed the temporary lockout, Labor's response is to say, 'Let's change the law so you cannot be challenged'. What a brilliant solution: do not fix the problem; knobble the judge. The government says that instead it will allow a licensee who is the subject of a lockout to ask the director for an exemption, but this bill denies any licensee the right to challenge the initial decision to impose a lockout. It also reverses the onus from one where the director must justify her actions under the law to one where an individual licensee must beg for an exemption.

It gets far worse than that. Not only does the government knobble the judge by removing the right of licensees to object to a decision to impose a lockout, it also seeks to relieve the director from having to observe basic rules of natural justice. In what is an extraordinary and disgraceful provision, new section 58I of this bill is headed 'Rules of natural justice excluded'. It provides that in exercising any of her sweeping powers in relation to imposing a lockout or considering an application for an exemption, the director is not bound by any of the rules of natural justice.

What are the rules of natural justice? The rules of justice are fundamental rules such as that a decision-maker must not be biased, a decision-maker must not have a personal interest in the matter they are deciding, a decision-maker must not prejudge a matter, a decision-maker must hear both sides of an argument and a decision-maker must consider all relevant evidence and not consider irrelevant evidence. These are rules of natural justice so fundamental they can be traced back at least as far as the *Magna Carta*. By the way, the *Magna Carta* was an assertion of the people's rights and liberties against a tyrannical and unpopular sovereign named John. I am sure any similarities with Victoria today are purely coincidental.

Removing the director's obligation to observe natural justice also has legal repercussions under the Administrative Law Act 1978 because the removal of natural justice means that the decision-maker no longer meets the definition of 'tribunal' under section 2 of that act.

Mr R. Smith — The minister has been handed the legislation, but he doesn't know it.

Mr O'BRIEN — I take the member for Warrandyte's point. You wonder whether the minister has actually read this? Does he even understand what it

is that this bill seeks to do? The effect of that restriction on natural justice is that even the capacity of the Supreme Court of Victoria to review the actions of the director of liquor licensing is severely restricted. This is a disgraceful provision that strips away the rights of Victorian citizens. It makes an unelected Labor government bureaucrat unaccountable and places her above the law. It is wrong, and we will oppose it.

Turning to the experience of the government's whizzbang trial 2.00 a.m. lockout, it was implemented at 2.00 a.m. on 3 June 2008 and continued until 2 September 2008. It affected general, on-premises and limited licensees in the cities of Melbourne, Yarra, Stonnington and Port Phillip. Four hundred and eighty-seven licensed venues were affected by this lockout. As it turned out, 120 venues received a stay, with many subject to additional security requirements being observed. When these applicants used their legal right at the Victorian Civil and Administrative Tribunal to object to this imposition of the temporary lockout, did the director go there and oppose it and say, 'This matter should go to judgement. I am right. I am confident that I have acted legally and properly in my actions'? Or did the director agree to the stays with the licensees? The director agreed with the licensees and gave the stays. In this whole disaster, 120 out of 487 licensed venues were given stays with the consent of the director of liquor licensing, and as a result any problems the government wishes to claim are actually the government's problems because it was the government's director who consented to those stays.

Security measures were implemented which included additional crowd controllers, no pass outs for smoking, no alcohol on footpath kerbsides after 2.00 a.m., and no advertising of the stays. Seventy-five per cent of the affected venues were completely bound by the lockout, and those that received a stay were still subject to a whole lot of stringent conditions to improve security.

You would think that this would be not a bad idea to test the government's mettle as to how good this lockout was going to be. What happened to the number of assaults during the trial 2.00 a.m. lockout? Pages 56 to 57 of the KPMG evaluation tell the real story behind the failure of the Premier's 2.00 a.m. lockout. I quote from the evaluation:

> … there has been an increase in alcohol-related violence during certain periods of the temporary lockout. For example:
>
> there has been an increase in reported assaults between the hours of midnight and 2.00 a.m. … This is also similar for the period between 2.00 a.m. and 3.59 a.m.; and
>
> an increase in assault-related ambulance transports between 8.00 p.m. and midnight when compared to the three months prior to the temporary lockout.
>
> Further, alcohol-related presentations as a proportion of total hospital emergency presentations on Friday and Saturday nights have increased as a proportion of total presentations during the comparison periods and this continued during the temporary lockout period.

If the intention of the trial lockout was to reduce the number of violent assaults in the affected area, the lockout was a failure. It was a complete and unmitigated disaster for the government. This failure may surprise some, given that the government had trumpeted the alleged success of the Bendigo lockout, but if members look at the Victoria Police crime statistics, they will see that the number of assaults in Bendigo has risen by 4.3 per cent and property damage by 15.5 per cent over the past year. The Labor Party's standards are so low that even an increase in crime is heralded as a success.

We are now seeing yet more stunts from this government in its desperate policy panic to try to deal with its failure to provide police with the resources they need to enforce the law. The police tell us in the KPMG evaluation that is what they need. What do we have now? We have Melbourne's newest tourist attraction — Labor's Liquorland down at St Paul's and Brumby's Boozeworld on Flinders. It is going to be a new tourist attraction for Melbourne, a new theme park, where people will be told, 'Come in, but don't get too close, don't feed the drunks'. Labor thinks that this is going to be useful. An article on the ABC website quotes the Police Association's Greg Davies as saying:

> What happens if they decide to start fighting in the time-out zone?
>
> Do we have to take operational police off the street to come back and babysit them, and perhaps look after victims who are volunteer workers …

I am very concerned about the Salvos. The Police Association is very concerned about the Salvos. Because the Police Association is concerned about the Salvos, because the opposition is concerned about the Salvos and because we are more interested in getting results than in spin, we think this idea is something that does not pass the test.

The next great initiative of this government is the Hummers — the famous Hummers. We have all seen the Hummers. What I can say about the Hummers is that at least the police will be safe in those things, but they will be about the only ones. It will be a shame about everyone else on the street. How is having police travelling around in Hummers going to increase the

level of compliance with the law on the street or inside licensed venues?

We do not need more stunts — we need more police; we need better planning and liquor controls; we need more transport options. On that point, one thing the government has not done at all is seriously look at how transport is such an integral part of the emerging problems with late-night alcohol-related violence. If you were wanting to create a perfect storm for alcohol-related violence, you would get a whole lot of young people, congregate them in the one area, make sure they are full of alcohol, turn them out on the street and make sure they cannot get home. That is an absolutely rolled-gold, guaranteed recipe for violence and mayhem.

But we have a government that does not invest in public transport to get people home. We have a government that does not do enough to make taxidrivers feel safe enough to provide a service to people after hours. We have a government that does not invest in NightRider buses. We have a government that makes it harder for people to park in the city so that even designated drivers are paying more. This is a government that has completely dropped the ball on public transport options, and that is having a really detrimental effect on levels of late-night violence.

We also need better education of licensees and patrons. While enforcement is absolutely the key, there is a need for cultural change as well. That is acknowledged by the opposition, and I have been saying it in a number of contributions over many, many months. The government finally appears to have got that message — to the extent that it is prepared to fund a $2 million campaign. But we want to make sure that money is well spent — that it is not about more public relations but that a proper message gets out to help young people understand their rights but also their responsibilities when it comes to enjoying themselves in Melbourne and other cities.

The other thing my reasoned amendment calls for is:

> consultation with, and engagement of, affected parties including licensees, patrons, local government, resident groups and emergency services.

It might be that licensees do not feel like they are being particularly well consulted at the moment. I am not quite sure why that would be, but again I refer to the article in the *Age* of 10 August 2008, entitled 'Lockout — The woman in the eye of the storm'. The opening paragraphs state:

> Sue Maclellan was on hostile turf. It was May and the liquor licensing chief was standing in Chapel Street's Chasers nightclub, facing a room full of furious bar owners.
>
> 'I don't have to consult with you', she shouted over the throng, according to several who attended.

We have a liquor licensing commissioner who believes she has no obligation to consult with those who are affected by her actions. She thinks any consultation is a privilege rather than a right. We have somebody who has not exercised her powers appropriately in the past in relation to the lockouts — and this has been demonstrated by the VCAT action. Why on earth would this side of the house say we would support providing that same person with a sweeping array of new powers, making her completely unaccountable to the people who are affected by those powers and putting her above the law? We would not do it, because it just does not make any sense.

The government's trial lockout was a complete disaster in terms of sending the wrong message to Melbourne, it was a complete disaster in terms of our image as a 24-hour city and it was a complete disaster in terms of resulting in increased levels of violence, assaults and hospital presentations for alcohol-affected people. It was a disaster no matter how you look at it. You would think, from his words on Monday saying the government would not proceed with a permanent lockout, that even the Premier got that message.

But this bill is testament to the fact that the Premier just does not get it, nor does the minister get it — Labor just does not get it. They think that if they can give a bureaucrat sweeping powers, make her unaccountable, strip away the legal rights of the licensees and strip away their rights to natural justice, they will be able to manage the situation.

We have a government that is not governing anymore. It is just managing one crisis lurching into another crisis. It does not have any long-term plan for dealing with liquor in this state, it does not have any long-term plan for dealing with planning in this state, it does not have any long-term plan for dealing with public transport in this state and it does not have any long-term plan for dealing with alcohol-related violence in this state. We on this side of the house are not going to play along with its stunts, its management and its spin. We are going to focus on those things which will actually deliver a reduction in levels of alcohol-related crime in our society.

The answer, as I said, came from the mouths of those in Victoria Police themselves in the government's own evaluation of its failed 2.00 a.m. lockout. It is as clear as

day. I will repeat it because it is worth repeating. This is under the subheading 'Greater enforcement of compliance with licensing conditions and responsible service of alcohol'. It states:

> Members of Victoria Police and the security industry noted that, while this was an area requiring significant action, there was currently a lack of available resources to properly enforce legislative compliance.

It is not about the laws — the laws are there. It is not about the powers — the powers are there. It is about the resources. That is what Victoria Police tells us; that is what anyone who understands this issue knows. But this has not penetrated the collective mind of the Brumby Labor government, and that is why it has failed. It has failed Victorians in relation to its responsibility to try to keep our streets safe. It has an arrogance which does not befit a government but which unfortunately has become very typical of the way this government operates.

In the last minute and a half available to me I will quote another article which sums up that arrogance. The article, reported in the *Age* of 9 July 2008 and headed 'Experts call lockout a failure', says:

> Health experts on Premier John Brumby's alcohol task force have described the controversial lockout policy as an 'unmitigated failure', accusing the state government of ignoring their advice on how to tackle binge drinking.

Further it says:

> One task force member told the *Age* the lockout had not been recommended by health experts. 'I think we can safely say it's been a pretty unmitigated failure', the member said. 'I don't think it was anything other than something that came out of the director of liquor licensing. She seemed to be the one that came up with the idea and the one that rightly is taking all the heat for it.
>
> Seemingly, one person's opinion is all that mattered, more than the public's view, the industry's view, the police or people in the health sector'.

This government has had the message coming through loud and clear — from its alcohol task force, from Victoria Police and from the responses of patrons and licensees on the KPMG evaluation. This government has got it wrong. This bill is a disgrace. This bill will do nothing to solve the problems of alcohol-related violence. It will just strip away the rights of licensees, deny them natural justice and give more power to an unelected and unaccountable bureaucrat who has shown she has not been competent in exercising the powers she already has. The opposition will oppose this bill.

Mr LUPTON (Prahran) — I am very pleased to speak in support of this bill tonight, but I am also very disappointed that the opposition has shown such disregard for the best interests of the community in showing its opposition to it. We will see that the reasons behind this bill are very sound and that the Parliament should, when it considers this bill properly, give it wholehearted support.

In September this year we came to the end of the three-month trial of the lockout in the inner city areas of Melbourne. The power of the director of liquor licensing to make a late-night entry declaration — commonly referred to as a lockout — was put into the Liquor Control Reform Act at around this time last year. The legislation allowed for a temporary lockout to be put in place for a period of three months, or alternatively an ongoing lockout to be put in place for a continuing period of time. The director of liquor licensing, in consultation with the Chief Commissioner of Police, came to the conclusion — —

Mrs Fyffe — Acting Speaker, I would like to draw your attention to the state of the house.

Mr LUPTON — Two can play that game.

Honourable members interjecting

The ACTING SPEAKER (Mr Jasper) — Order! There is not a quorum present. Ring the bells.

Bells rung.

Honourable members interjecting.

Mrs Fyffe — On a point of order, Acting Speaker, I take offence at something that has been said to me from across the chamber.

The ACTING SPEAKER (Mr Jasper) — Order! The member needs to detail that she heard an inappropriate comment made and by whom it was made. We will get the quorum first.

Quorum formed.

Mrs Fyffe — On a point of order, Acting Speaker, the members for Melton and Yan Yean both made remarks across the chamber that I find offensive, and I ask them to withdraw them.

The ACTING SPEAKER (Mr Jasper) — Order! I ask the members to withdraw.

Mr Nardella — I withdraw the term 'twit'.

Ms Green — I also withdraw the term 'twit'.

The ACTING SPEAKER (Mr Jasper) — Order! The members should withdraw unequivocally.

Mr Nardella — I withdraw the term 'twit' unequivocally.

The ACTING SPEAKER (Mr Jasper) — Order! I accept the withdrawal, but I remind the member for Melton that he has been in the house for a long time and should honour the requirements of the house.

Mr LUPTON — I must say it is a pleasure to have such an improved audience in the house to hear these remarks. The provisions in this legislation will improve the capacity of the director of liquor licensing to call for a late-hour entry declaration in circumstances where alcohol-fuelled violence causes her, in consultation with the Chief Commissioner of Police, to conclude that a declaration is warranted.

What we found with the lockout declared earlier this year was that a significant number of late-night venues applied for and were granted by the Victorian Civil and Administrative Tribunal (VCAT) stays exempting them from that lockout. We found that the integrity of the lockout was compromised as a result of those exemptions. Accordingly, although an independent evaluation carried out by KPMG found that there were certain positive results from the lockout trial, its effectiveness was compromised by the number of venues that did not participate in it.

A range of complementary measures, in particular an increased and enhanced police presence on the streets of inner city Melbourne, was put in place at the same time as the lockout. It may well be that there was a rise in the reported number of assaults as a result partly of that increased police presence on the streets and a range of other increased enforcement measures. However, we also found that ambulance call-outs and admissions to hospitals in relation to reported assaults decreased. That may indicate that there was an effect in lowering the severity of any assaults that were occurring during the period. As I said, the results were extremely mixed and were fundamentally compromised by the reduced number of licensed venues participating in the lockout.

It is disappointing that so many licensed venue operators in inner city Melbourne failed to act in the public or community interest in relation to these matters and to positively engage with the process of trying to put in place for a time a circuit-breaker to make an effective difference to the amount of alcohol-related violence in the community. In that period and since certain licensed venue operators circulated numerous media releases and other documents which sought to completely distance licensed venues from any responsibility for alcohol-related violence. I find that very disappointing.

In conjunction with *Restoring the Balance — Victoria's Alcohol Action Plan 2008–2013* we have funded alcohol-harm-reduction measures and a range of police enforcement measures to the tune of $37 million to reduce the risks and harm associated with drinking and the impact of alcohol-related violence and antisocial behaviour. We are seeking to have a suite of measures put in place to tackle these issues. I want to make particular mention of the Safe Streets task force, Operation Razon — the freeze that is currently in place on any extra late-night liquor licences or any variations to existing licences — and the bringing forward of the liquor licensing compliance directorate, along with other associated improvements such as the doubling of the frequency of NightRider buses to operate every 30 minutes throughout the night.

The changes in this legislation will mean that if in future the director of liquor licensing, in consultation with the Chief Commissioner of Police, decides that a lockout is appropriate at any place in Victoria, a more specifically targeted lockout that is capable of being enforced for a short time will be able to be put in place. What is really being done is the stay power is being taken from VCAT. That is something that was revealed as a weakness in the legislation as a result of the trial lockout.

In relation to the flip-flop, stand-for-nothing attitude of the opposition, all I can do is quote from *Hansard* of 22 November last year, where it states:

> A Liberal government will introduce entertainment area lockdowns and venue lockouts across metropolitan Melbourne and country Victoria …

That was said by the member for Scoresby, yet members of the Liberal Party have come in here tonight and opposed the same concept.

The ACTING SPEAKER (Mr Jasper) — Order! Before calling the honourable member for Brighton, I draw the house's attention to the members on the government benches who were congregating and talking even while their own member was on his feet. That is extremely disappointing from my point of view in listening to the debate, but also difficult for Hansard.

Ms ASHER (Brighton) — As has already been outlined by the member for Malvern, the Liberal Party is opposing the Liquor Control Reform Amendment Bill 2008 and supporting the member for Malvern's reasoned amendment. The reason we are opposing this

bill is because the coalition parties are the natural parties supporting small business. We support small business; the Labor Party does not support small business. That is why we are opposing this bill.

The bill contains a number of lockout provisions and provides for ongoing late hour entry declarations, for temporary declarations, and for exemptions. I refer to the excellent reasoned amendment moved by the member for Malvern.

Mr Robinson interjected.

Ms ASHER — I have read it and I have studied it and I have underlined it, and we discussed it at shadow cabinet, if the Minister for Consumer Affairs would like to know that — we actually consult. The reasoned amendment calls on the government to hold this bill for the moment and move to a more comprehensive strategy to deal with the problems of late-night violence in Melbourne and other areas.

The member for Malvern has called for additional police resources, and so he should, because what we have seen under this government is a reduction in resources — —

Mr Lupton — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms ASHER — I refer again to the member for Malvern's reasoned amendment which calls for substantial additional police resources. I refer to the fact that in Church Street, Brighton, which is in my electorate, we had a death outside a now-closed nightclub — the Mint nightclub — which shocked my local community. When we look at the police figures and at the lack of police on the beat, we realise it is a very reasonable call from the opposition to ask for substantial additional police resources before this bill is handled.

I also support strongly the member for Malvern's call for improved public transport options. Wasn't Oaks Day interesting? The whole public transport system shut down.

Mr Robinson interjected.

Ms ASHER — I wasn't there! Indeed there need to be much better public transport options before the government tackles some of the issues in the bill.

I refer to paragraph (e) of the reasoned amendment moved by the member for Malvern, which states:

> consultation with, and engagement of, affected parties including licensees, patrons, local government, resident groups and emergency services.

That is a very good call because this government does not consult. In terms of its consultation with licensees and in terms of its abject neglect of the small business sector, this government needs to consult with the Australian Hotels Association, it needs to consult with a number of licensees, it needs to consult with licensed cafe operators and it needs to consult with a range of small business operators in order to understand the impact of this bill on the small business sector.

In particular I wish to make reference to the fact that the bill takes away the rights of small business operators, and most importantly it denies them natural justice. When I was in opposition — —

Mr Robinson — You are in opposition!

Ms ASHER — Opposition to you! I used to hear the Labor Party talk about various rights. This bill denies people natural justice. There are two key flaws in the bill. The first flaw is that licensees will not be able to go to the Victorian Civil and Administrative Tribunal to contest the decisions of the director of liquor licensing to impose temporary or ongoing lockouts. Secondly, the director of liquor licensing is not bound by the rules of natural justice when she considers lockouts or applications for exemptions. The latter feature in particular is offensive. It is undemocratic in that it gives increased power to a bureaucrat — and I have to say a bureaucrat with a very poor track record in handling these issues, in particular in handing issues for the small business community — and puts the director of liquor licensing above the law.

Again I make the point that the member for Malvern made so aptly: that under the Labor Party, murderers and rapists but not small business operators, if you happen to be a publican or operate a licensed cafe, are allowed natural justice in society. That is a very important and substantial point. The director of liquor licensing will not be subject to the laws of natural justice. I refer members to clause 58I, headed 'Rules of natural justice excluded'. The clause states:

> Except to the extent set out in this Division, the Director is not bound by any of the rules of natural justice in —
>
> (a) making, varying or revoking a late hour entry declaration; or
>
> (b) exempting or refusing to exempt licensed premises from a late hour entry declaration.

The director of liquor licensing can shut down a business for any reason whatsoever. We are strong

supporters of the small business community, and we think the fact that the director of liquor licensing will not be subject to the rules of natural justice is an appalling inclusion in this bill. The member for Malvern has already set out the rules of natural justice including the requirement to be non-biased and the requirement to hear all sides, but we have before this Parliament a bill which absolutely pillories the small business sector in this area.

If this were on its own, it would be one issue, but what we are seeing is a bill and a track record of poor treatment of small business by this minister and by this government. Again, one has to think only of newsagents, for example, who are very angry with this minister. The bill is absolutely in line with a record of lack of support for small business by this government, and in particular this minister.

We make the point that we are strongly in favour of small business. As I move around the community I hear the fallacious argument that the Liberal and Labor parties are moving closer together. That is not the case. The Liberal Party is clearly the party of small business — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

> That the house do now adjourn.

Bail justices: roster

Mr CLARK (Box Hill) — I raise with the Attorney-General the issue of bail justices in Victoria, and ask him to take action to improve the current regime, in particular in relation to the inadequacy of the roster system.

Victoria is the only state in Australia to use bail justices; they are a very important element of the Victorian justice system. Bail justices provide a voluntary service to the community by holding out-of-session hearings to decide bail and interim accommodation order applications by Victoria Police and the Department of Human Services when the courts are closed. This includes evenings, nights, weekends and public holidays.

The Attorney-General asked the Victorian Law Reform Commission to review the current bail system in November 2004. The final report was completed in August last year and made public in October last year. The report made 157 recommendations, including many relating to bail justices. Almost a year later, the government still has not released a response to the VLRC recommendations.

I have been contacted by several bail justices who are concerned at the current state of the bail justice system and at the inaction of the government. One of the main issues of concern is the changes that have been made to the roster system in recent times, which I am told have resulted in many more call-outs and which also require bail justices to travel further than the areas they have previously been allocated to. One bail justice told me that, despite assurances from the department that a recruitment drive was under way, the high volume and the nature of call-outs have not changed, and that that is imposing a considerable and unexpected toll on his ability to respond and to perform his duties as a bail justice.

Recommendation 45 of the law reform commission report states that:

> Bail justices should be deployed to bail hearings and interim accommodation hearings through a centralised call-out system, developed in consultation with bail justices, Victoria Police and the Department of Human Services (DHS). The system must be designed to be adaptable to the different needs of different locations and should be administered by the secretary, Department of Justice.

Such a system would not rely on a localised roster system for each police station and would, according to the commission, aim to ensure that the selection of bail justices was independent of police and that there was a fair distribution of work, a standard and transparent procedure and system monitoring.

On top of this the costs incurred by being a voluntary bail justice are becoming increasingly onerous. Many bail justices are retirees, and the high cost of petrol and mobile phones, combined with the higher number of call-outs for longer distances, has added to the pressure they are under. The bail justices receive no reimbursement for this, and that adds to their understandable feeling that their efforts and sacrifices are being taken for granted.

I ask the Attorney-General to act without delay as to provide a fairer, more effective regime, both out of decency and consideration to bail justices, and to ensure that Victoria continues to have enough volunteers willing to continue to provide this valuable service to the community.

Police: Craigieburn

Ms BEATTIE (Yuroke) — I raise a matter for the urgent attention of the Minister for Police and Emergency Services. The action I seek is for the minister to seek clarification from Victoria Police on response times in Craigieburn.

A couple of weeks ago there was a home invasion in Craigieburn, and it has been alleged by a member for Western Metropolitan Region in the Council, Mr Finn, that it took Craigieburn police 21 minutes to respond to the call-out after the resident had dialled 000. There may have been another home invasion in Craigieburn at the same time, but I would find that to be a remarkable coincidence. I have information that the Craigieburn police attended the call-out within 4 minutes, were promptly followed by two units from the Broadmeadows police within the next minute, and in fact an arrest was made by the Craigieburn police.

If my information is right, it would indicate that the police responded in a very timely manner and did their job professionally. The information of Mr Finn may be wrong, as there seem to be scare tactics going on. It was raised on the front page of the local paper. I would find it absolutely appalling if the local papers were publishing incorrect information or if they were being given incorrect information to scare people.

I seek clarification from the Minister for Police and Emergency Services and ask that he respond to the matters raised by me. The response times that I have been given are most acceptable. It is a matter of public urgency.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member needs to ask for an action.

Ms BEATTIE — The action I seek is for the Minister for Police and Emergency Services to investigate the allegation that has been made in regard to response times in Craigieburn.

Lake Mokoan: decommissioning

Dr SYKES (Benalla) — My issue is for the Minister for Water. I request that he meet with representatives of the Broken Valley irrigators and agree to a mutually acceptable arrangement for the purchase of water and the maintenance of the current 95 per cent security of supply of water to remaining irrigators in the event that the minister proceeds with the decommissioning of Lake Mokoan.

The saga of decommissioning Lake Mokoan has extended over seven years. Time and again irrigators and members of the local community have been engaged in prolonged consultation only to find that the minister has made a unilateral decision to proceed with policies which are fundamentally flawed. Despite this, Broken Valley irrigators have for nearly 12 months attempted to negotiate a fair and reasonable price for water purchased in order to maintain the current level of security of supply of water to remaining irrigators. That level is at least 95 per cent.

That said, the irrigators have proposed to the minister that they will accept reluctantly the decommissioning of Lake Mokoan if the following conditions are met: the new Broken irrigation system must have a reliability of 95 per cent on full uptake; all irrigators must have the opportunity to participate in the offer by the government to buy water, regardless of the amount of water the government is successful in buying; the operating cost to irrigators should not change as the amount of water purchased changes; and the environment must pay its way, just like irrigators.

The price of water paid to irrigators must reflect the following: the value of water to an individual property, the cost of returning the property to a dry farm, the net value of infrastructure and pumps et cetera that are made redundant, and the crediting to irrigators of a 50 per cent share of the water savings as a result of the decommissioning.

In addition to those key requirements is a requirement that none of the current decommissioning options proposed by the Department of Sustainability and Environment or Goulburn-Murray Water is acceptable; the new Broken system must be part of a bigger basin, either the Goulburn or the Murray; the value of 21 per cent low-security water should be credited to the irrigators; and a compensation premium should be paid to the irrigators for the loss of their future income generation potential. Most importantly, there should be no removal of Broken system irrigation infrastructure or the purchase of water by the government from the Broken until all of the above issues are resolved. I call on the minister to act upon that request.

Parktone and Kingston Heath primary schools: funding

Ms MUNT (Mordialloc) — The action I seek is from the Minister for Education. I ask the minister to consider Parktone Primary School and Kingston Heath Primary School for inclusion in the Better Schools Today program.

The Better Schools Today program is a grants program offering between $300 000 and $500 000 to schools to upgrade existing facilities. Other schools have used this money to modernise classrooms and staff and administrative areas as well as to improve indoor and outdoor teaching spaces. For that reason these two schools, Parktone Primary School and Kingston Heath Primary School, are very good candidates for inclusion in this program.

I have recently visited both these schools and spoken to the principals and school communities, and I will quickly provide details of each school. Parktone Primary School is in Parkdale and has a new principal, Mr George Danson, who is very enthusiastic. He has already put in place a new early learning years centre for the preps, the grade 1s and the grade 2s. That is a fantastic facility that he has basically put together with funds raised by the parents club — I think it was around $16 000. That money has been used to make a fantastic improvement to that area of the school.

I met with the principal and the parents, and they have plans for the rest of the school — to propel this school into this century with great facilities for the children. If they are prepared to put in that sort of effort and commitment and raise funds for themselves, we should match that with the inclusion of this school in the government's program.

Kingston Heath Primary School is in Cheltenham. It is a flat-roofed 1970s school. As I said, I have recently been to the school and met with the principal, Wendy Crawford, who is a fantastic, dynamic woman and a great advocate on behalf of the school and the local community. She and the local community have plans for this school. They are not huge plans in the grand scale of things, but if they are carried out, they will make a very great difference to the usability and layout of this school and the education opportunities for our local children.

In the end that is what we want to do: provide the best education opportunities for our children. We want to work together with local communities, local schools, the students and the principals to make this a reality for our local communities. Inclusion in this program would make a huge difference to these school communities. I respectfully ask the minister to consider the inclusion of Parktone Primary School and Kingston Health Primary School in that program for the benefit of the children who attend.

Rail: Rowville line

Mr WELLS (Scoresby) — The action I seek is for the Minister for Public Transport to immediately provide funding for the feasibility study for the Rowville railway line. I raise the matter tonight because the City of Monash mayor, Cr Paul Klisaris, has changed his mind over this feasibility study. In July he told the *Monash Journal* that the council preferred buses as a short-to-medium-term solution for public transport-starved suburbs such as Mulgrave. Now he has softened his stance on this and, as of 13 October, told the *Monash Journal* that an investment in the feasibility study would be a wise one. This is the local Labor mayor of Monash changing his mind, first saying in July that he would prefer buses and now saying that the feasibility study would be a wise investment.

Another reason that I raise this matter tonight is because when I look at the 1999 Labor policy on public transport, I see that Labor members said that Labor would actually fund a Rowville train line feasibility study. Nine years later they still have not delivered. What they said was:

> Specifically, the plan would be required to address the fixed infrastructure requirements for the region and in particular identify a preferred train route to Rowville via Glen Waverley or Huntingdale.
>
> The recommendations from the plan will be specific and detailed to allow for a subsequent cost-benefit analysis, environmental effects statement and community consultation.

Nine years later we have had no action and, despite constant attempts by the member for Ferntree Gully and myself, Labor refuses to deliver on the election promise. We are now hopeful that, because one of its own has come out and said that it would be a wise investment, we may be able to get some action and it may be able to deliver this very important public transport policy — nine years later. As I pointed out, I guess it will depend on which faction the Monash mayor is in as to whether this is actually going to be delivered.

We are getting fed up with Labor's promises. It also promised the Burwood tram line all the way to Knox City, which the member for Bayswater has pushed very strongly. To date there has not been any action on that either. It is another example of Labor saying one thing and delivering another.

Country Fire Authority: Lara

Mr EREN (Lara) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The matter I raise is in relation to the Brumby

government's community safety emergency support program, or CSESP. The action I am seeking from the minister is that he give serious consideration to the application of the Lara CFA (Country Fire Authority), which has applied for some CSESP funding to purchase a heavy tanker.

As I have said in this place before, the township of Lara is a great place to live, especially since the election of this government, which has made considerable investments in its infrastructure to accommodate its measured and healthy population growth. One of the vital bits of infrastructure that I am particularly proud of is the recently opened brand-new, state-of-the-art $1.9 million Lara CFA fire station located on Mill Road. Indeed the minister opened the new fire station and handed over the keys to a brand-new $300 000 fire tanker, which boosted the funding commitment to $2.2 million. I am also proud to say that we are in the process of building a brand-new ambulance station right next door to that fire station, and I am certainly looking forward to the opening of that facility when that time comes.

Getting back to the fire station, the people of Lara are very proud of their local CFA. It has about 49 volunteers and has been serving the good people of Lara for almost 70 years. The Lara fire brigade services the Avalon Airport, the Shell refinery, a very busy passenger train and freight terminal, the Princes Freeway, and large open grasslands. It also looks after more than 10 000 residents, two prisons, an aged-care facility, four schools and an expanding industrial area, and it has a national park and state park on its boundaries. As one can imagine, this keeps it very busy indeed.

I understand that since the Brumby government's CSESP program began in 2000 it has provided to local emergency services groups 730 grants totalling $18.3 million, which, together with contributions from volunteers and communities, has allowed the purchase of new vehicles, buildings and equipment worth more than $39 million. The CSESP grants program is designed to provide additional assistance to emergency services volunteers over and above the Brumby government's record resourcing of Victoria's emergency services. I am certainly very proud to be part of a government which takes the emergency services of this state seriously and has doubled their budgets since coming to office in 1999. I am very pleased that in the 2007–08 budget the government committed a further $11 million for a four-year CSESP grants program.

The ACTING SPEAKER (Mr Nardella) — Order! The member's time has expired.

Dandenong Road, Malvern: noise attenuation and safety

Mr O'BRIEN (Malvern) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The matter I raise relates to noise attenuation in my electorate. I seem to have made a habit of raising these issues. I have certainly raised on a number of occasions the noise attenuation issue in relation to the Monash Freeway, which is an ongoing issue affecting the quality of life of many of my constituents and which the government is still refusing to act on. The action I specifically seek tonight from the minister relates to the desperately needed funding for both noise attenuation and safety measures along Dandenong Road in Malvern, in particular between Station Street and Tooronga Road.

I raised this issue previously in April 2007. Unfortunately I feel the need to raise it again because absolutely nothing has happened, except that in the intervening period my constituents, who are generally younger families, live adjacent to Dandenong Road in that part of Malvern, have continued to have their lives interfered with by these excessive noise levels. I should add also that unfortunately in recent times that stretch of Dandenong Road in Malvern has been the site of a number of fatal car accidents, one of them occurring as recently as two weekends ago, when tragically a car full of people ran off the road and hit a tree. At least one person died and I understand that the driver of the car is currently before the courts. This is a very dangerous stretch of road. Cars go along it at a very fast rate, and that has a corresponding impact on noise levels.

When I raised this issue previously I mentioned that in May 2005 VicRoads had taken noise measurements from a constituent's home in Finlayson Street. The noise easily exceeded 68 decibels, which is the limit at which VicRoads says freeway noise is too much. It also has that same level for arterial roads, so for these families it is worse than living right next to a freeway.

In June 2006 VicRoads told my constituent that a proposal had been developed to install noise attenuation measures between Station Street and Tooronga Road, Malvern, but no funding had been made available. It is now time for the government to act. It is time for the minister to take this issue seriously. It is time to take seriously the concerns of the families who are affected by this in the morning, afternoon, evening and night-time, day in and day out. This has an impact on their lives 24 hours a day, 7 days a week. The

government knows that the levels are excessive. The government now needs to find the funds to deal with this and give these families some much-needed relief.

Heidelberg Primary School: upgrade

Mr LANGDON (Ivanhoe) — On behalf of the students, parents and teachers of Heidelberg Primary School, I ask the Minister for Education to take action to ensure that the facilities at the school are urgently upgraded. Heidelberg Primary School is one of the two oldest schools in my electorate, having celebrated its 150th birthday several years ago. I have been a regular visitor to the school, and over a number of years I have met principals and teachers. In recent years I have noticed that there are more and more cracks in the walls and that the guttering is deteriorating to the stage that it needs to be replaced urgently.

The school was previously upgraded following the 2001–02 budget when it received, I think, $300 000 for a multipurpose building. It then had a projected population of 200 students but now has almost 300 students. Due to the age of the many other buildings that make up the school, cracks are appearing in the walls. The buildings are up to 150 years old and the drought is taking its toll. As I said, there is also the poor state of the stormwater plumbing and the guttering — not that it has rained much in the last 5 or 10 years — which requires urgent work. Nazih Elasmar, a member for Northern Metropolitan Region in the Legislative Council, has an office within 200 metres of the school. He and I have met with the school representatives on a number of occasions, and we are seeking to get these issues addressed.

I ask the minister to take urgent action to upgrade the school, particularly with assistance from the Better Schools Today program. I am well aware of the government's commitment to fund upgrades to all schools by 2016–17, and I commend the government for introducing that program, but some schools need urgent attention. I believe Heidelberg Primary School fits into that category. The school has been a great school led by brilliant principals over the 12 years that I have been associated with it and its community. I am sure the school would welcome anything the government could do, and I request that the government look at the school seriously and get the education department to see what work can be done to address these problems.

Schools: English-as-a-second-language programs

Mrs VICTORIA (Bayswater) — My request is that the Minister for Education abolish the threshold for English-as-a-second-language (ESL) funding for primary and secondary schools. In Victorian government schools almost 25 per cent of the population is from language backgrounds other than English. An ESL student is defined as one who, along with their mother or father, speaks a foreign language at home as the main language. Many schools have students with ESL needs.

Unfortunately under this government ESL funding is based on an integrated weighted index for primary and secondary students which is applied to the school's profile of students, as I have just described. This data is collected from the language background other than English census conducted in all government schools in August each year. For example, if a student in prep has ESL needs and they qualify for funding, then a funding assessment is made. The amount they are allocated depends greatly on the employment of their parents.

Children with professional parents, such as doctors or even politicians, would be allocated $242 at level 1, whereas children with factory workers as parents would be allocated $565 at level 1 funding. In my view this is blatant and unlawful discrimination. It is even more bizarre that for a school to qualify for funding under this weighting system it must reach a threshold of over $18 000 for a primary school and nearly $36 000 for a secondary school. If a school does not reach that threshold, it does not attract any funding at all. Funding is allocated for the employment of multicultural aides to assist with communication between the school and the parents of ESL students as well as assisting students in the classroom, or on a one-to-one basis as necessary. Imagine a school that has several ESL students but falls short of the threshold, as is happening in at least one school in my electorate. This school is forced to pay for ESL programs out of its own pocket. Even a few hundred dollars would help buy resource books in place of a specialised teacher, and that would be better than nothing at all.

Teachers get caught up with one or two ESL children in their classes whilst the others fall behind in their general learning. This also often means that students in other programs such as gifted education or boys education lose out, as extra teaching time is required to fill ESL programs. Effectively it means that kids are potentially forced to accept a diminished learning program simply because their school did not reach the threshold. The sum of $18 565 is a third of a graduate

salary, and the secondary threshold constitutes almost two-thirds. These are a lot of teaching hours that are being taken away from other children.

Let us not put the burden back onto the school community to do extra fundraising. It is already difficult enough for them. Again I call on the minister to abolish the threshold for ESL funding so that fairness for all kids can prevail.

Disability services: internet training

Mr HUDSON (Bentleigh) — I wish to raise a matter for the Minister for Community Development. I call on the minister to take action to ensure that all Victorians, including people with a disability, are able to use the internet and enjoy the numerous benefits that it provides to our community.

It is a fact that Victorians are embracing technology at a terrific pace. The internet and its usage has expanded enormously, and it is an incredibly important part of the lives of many Victorians. It is a useful resource not only for communication but also for information. I doubt there is anyone in this chamber who would be able to cope without using the internet, such is the central role it now plays in the way we work, communicate with friends and family, do our banking, and research information. It has become an essential tool for everything we do.

Some of us have learnt how to use it from our kids, some of us have been able to do courses, some of us have learnt how to use it at school, and some have done specific internet courses. Unfortunately there are members of the Victorian community who have not had the same exposure, encouragement or education to use the internet. A large number of people with a disability in Victoria have not yet had the opportunity to experience the internet in any meaningful way. Whilst they might be able to access the internet, it is not necessarily adding to their quality of life because they have never received any training.

The internet has enormous potential in its capacity to broaden the lives and increase the independence of people with a disability. People with a disability have an enormous amount of difficulty in getting out of their own homes. Through the internet they can log in and order groceries, they can research health issues, they can catch up with friends, they can shop for consumer goods, and they can participate in online discussions.

People who are, say, blind often have to wait a long time for the information they need to be made available in braille, whereas on the internet they can access news stories, government reports and information on consumer products. People who have a difficulty holding a pen or using a keyboard can use the latest voice recognition software to write letters, pay their bills or perform work-related tasks. That is of great benefit to clients of, for example, the Communication Aid Users Society, which is based in my electorate.

With internet training, people with a disability can access the internet far more than they do. I call on the government to address the imbalance of internet use that exists between people with a disability and the wider Victorian community by making internet training more widely available.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Box Hill raised a matter for the Attorney-General.

The member for Yuroke and the member for Lara raised matters for the Minister for Police and Emergency Services.

The member for Benalla raised a matter for the Minister for Water.

The member for Mordialloc, the member for Ivanhoe and the member for Bayswater raised matters for the Minister for Education.

The member for Scoresby raised a matter for the Minister for Public Transport.

The member for Malvern raised a matter for the Minister for Roads and Ports.

The member for Bentleigh raised a matter for the Minister for Community Development.

I will ensure that those matters are raised with those ministers for their responses.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.30 p.m.