PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 19 April 2007

(Extract from book 5)

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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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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

Drugs and Crime Prevention Committee — (*Assembly)*: Ms Barker, Mr Morris, Mr Delahunty, Mrs Maddigan and Mr McIntosh. (*Council*): 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*): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar, Mr Finn and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr Hall 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*): Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Scheffer and Mr Somyurek.

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

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 Graley, Ms Munt, 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*): Mr Eren 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 Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Mr Lupton, Ms Marshall, Ms Munt, Mr Nardella, Mrs Powell, Mr Seitz, Mr K. Smith, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

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

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Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
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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	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
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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	Tilley, Mr William John	Benambra	LP
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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
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 19 APRIL 2007

Thursday, 19 April 2007

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

Mr Baillieu — On a point of order, Speaker, in question time yesterday I believe the Minister for Health provided incorrect information to the house. I had expected to see a personal explanation in the daily program. I do not see that, and I invite you to counsel the minister in that regard.

Mr Batchelor — On the point of order, Speaker, the Leader of the Opposition has made an assertion, the veracity of which we are unable to test at all. All members know what their obligations are in relation to correcting statements in *Hansard*, if that is indeed required. The fact that the Leader of the Opposition may make that assertion does not therefore mandate that it will happen, because the assumption on which his point of order is made may be wrong.

The SPEAKER — Order! There is no point of order. Personal explanations are up to individual members.

PETITIONS

Following petitions presented to house:

Planning: Bass Coast heritage overlay

To the Legislative Assembly of Victoria:

Bass Coast Shire Council initiated the process of interim heritage overlay in 2001 which many property owners were not aware of until October 2006.

The heritage overlay controls imposed on properties were not comprehensively examined by consultants with some information inaccurately documented and presented to property owners. The heritage overlay is discriminatory, unreasonable and an infringement on the rights of affected property owners in the Bass shire.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Planning to review unreasonable heritage overlay restrictions as imposed on Bass Coast property owners by Bass Coast Shire Council and the Victorian government.

By Mr K. SMITH (Bass) (470 signatures)

Water: Big Buffalo dam

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the desperate water situation facing the residents of the Ovens Valley.

The petitioners therefore request that the Legislative Assembly of Victoria strongly support the immediate construction of Big Buffalo dam, to underpin the future supply of water to the full extent of the Ovens Valley and rural city of Wangaratta.

By Dr SYKES (Benalla) (2731 signatures)

Devilbend Reservoir: conservation reserve

To the Honourable the Speaker and members of the Legislative Assembly assembled in Parliament:

The petition of certain citizens of Victoria points out to the house that all of the 1057-hectare publicly owned Devilbend wildlife reserve, which is located on the Mornington Peninsula, shows rare and outstanding potential as both a wildlife habitat and passive recreation reserve and should be protected.

The local community calls on the government to make the remaining 100 acres, which it aims to sell, public land.

Your petitioners therefore request that the Legislative Assembly of Victoria calls on the Bracks state Labor government to abandon their plans to sell off any land at the Devilbend wildlife reserve for private development and that they keep all of Devilbend in public hands for the community to enjoy for all time.

By Mr BURGESS (Hastings) (174 signatures)

Police: Lexton

To the Legislative Assembly of Victoria:

The humble petition of the residents in the state of Victoria draws to the attention of the house the government proposes to relocate the existing Lexton police position to Beaufort, only servicing the Lexton community on a needs or availability basis.

Prayer

The petitioners therefore request that the Bracks government abandon the proposal which will detrimentally impact on the Lexton community's security and has the potential to increase unlawful activities, particularly crime and road safety.

The community considers the government has an obligation to:

1. continue to advertise a permanent police position located in and servicing the Lexton community;

2. preserve a police presence and police vehicle in the Lexton community;

3. support the government's recent infrastructure investment of police station and residence;

4. make available underutilised station roster in either Beaufort or Avoca as workloads demand;

5. confirm the government's election platform of not disadvantaging small rural communities.

By Mr McINTOSH (Kew) (103 signatures)

Planning: Mornington Peninsula development

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the urgent need for the state government to protect the green wedge land between Mount Eliza and Mornington from development pressures and defacto subdivision.

The petitioners therefore request that the Legislative Assembly of Victoria call on the government to take immediate action to ensure that the proposed title boundary realignment for the Norman Lodge and Gunyong Valley properties be refused.

By Mr MORRIS (Mornington) (1816 signatures)

Planning: Mornington Peninsula development

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria calls on the house to reject the plan by the Bracks government for the Mornington Peninsula to become another suburb of Melbourne and requests that the area have a separate and distinct planning scheme that allows for the rejection of inappropriate development and high-rise buildings, and enables the special character of the Mornington Peninsula to be retained and enhanced.

By Mr MORRIS (Mornington) (497 signatures)

Water: Big Buffalo dam

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the desperate water situation facing the residents of the Ovens and King valley[s] and the rural city of Wangaratta.

The petitioners therefore request that the Legislative Assembly of Victoria strongly support the immediate construction of Big Buffalo dam and the extension of Lake William Hovell, to underpin the future supply of water to the Ovens and King valleys and the rural city of Wangaratta.

By Mr JASPER (Murray Valley) (6659 signatures)

Rail: Melbourne–Shepparton line

To the Legislative Assembly of Victoria:

The petition of concerned residents and V/Line Shepparton and Seymour line travellers draws to the attention of the house that the changes to V/Line timetables effective 4 March 2007 have not only further slowed train services, but have also resulted in longer distance travellers to Cobram, Echuca, Griffith, Murchison and Numurkah sharing the 18.33 Shepparton train with short-distance commuters to stations between Craigieburn and Seymour. The petitioners therefore request that the Legislative Assembly of Victoria restores the previous departure time of 18.15 for the Shepparton train and that it resumes its previous express running between Broadmeadows and Seymour.

And your petitioners, as in duty bound, shall ever pray.

By Mr MULDER (Polwarth) (1003 signatures)

Gaming: poker machines

To the Honourable Speaker and members of the Legislative Assembly in Parliament assembled:

The petition of the residents of the Maroondah community draws attention of the house to their concerns that the Victorian Civil and Administrative Tribunal is empowered to disregard the wishes of the local community when considering its rulings.

The recent decision by the Victorian Civil and Administrative Tribunal to overturn the Victorian gaming commission's rulings to oppose the development of a new poker machine venue in the community is of particular concern, given the level of community opposition.

The petitioners therefore request that the Legislative Assembly of Victoria move to amend the laws so that, when rulings are considered, increased weight is given to the wishes of both the local council and the local community.

By Mr R. SMITH (Warrandyte) (387 signatures)

Tabled.

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr JASPER (Murray Valley).

Ordered that petitions presented by honourable member for Mornington be considered next day on motion of Mr MORRIS (Mornington).

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

Ordered that petition presented by honourable member for Warrandyte be considered next day on motion of Mr R. SMITH (Warrandyte).

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr K. SMITH (Bass).

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

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

DOCUMENT

Tabled by Clerk:

Victims of Crime Assistance Tribunal — Report 2005–06.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Meetings

Mr BATCHELOR (Minister for Victorian Communities) — By leave, I move:

> That this house grants leave to permit the Public Accounts and Estimates Committee to meet and take evidence for the purpose of the 2007–08 budget estimates inquiry when the house is actually sitting on Thursday, 3 May 2007.

I thank the house for granting leave. This motion is to allow the Public Accounts and Estimates Committee to take what is the unusual step of conducting hearings whilst the house is in session, which under routine circumstances is not permitted unless specific approval is provided by the house. The reason for the motion is that under this government the Premier has always been very accountable, open and accessible. One way of doing that has been for the Premier to attend the Public Accounts and Estimates Committee hearings, in stark contrast to the Premier under the previous government who ran 100 miles from the committee and actually refused to attend.

On this occasion, because of the commitments of the Premier, the scheduling of the Public Accounts and Estimates Committee hearings and the desire to commence those hearings shortly after the delivery of the budget, the only available time for the Premier and the committee to get together is on Thursday, 3 May, a sitting day, so the purpose of this motion is to make it possible for the Premier to continue his fine tradition and make himself available. He prefers to appear and present himself before the Public Accounts and Estimates Committee to take the lead on behalf of the government. Those circumstances make it necessary for this house to consider this motion.

I hope the motion is supported, because the Premier would hate to be denied the opportunity of going before the Public Accounts and Estimates Committee simply because the house failed to support it.

Mr CLARK (Box Hill) — The opposition is prepared to agree to this motion, but it is really on the basis that it is the lesser of two evils because, if this motion were not to be agreed to, there would then be a considerable delay before the Premier would come before the committee and that would have its own very adverse consequences.

As a former member of the Public Accounts and Estimates Committee (PAEC), I can tell the house about the pressure it puts on the committee to have a hearing on a sitting day, and the demands it puts on the secretariat of the committee. The Leader of the House rightly referred to the fact that it is an unusual, or supposed to be unusual, procedure and requires the resolution of the house for to it occur, and that is for the good reason that it is disruptive to committees and also potentially disruptive to the house and to the ability of members to take part in business in the house if they are also committed to hearings of the committee. It also has the effect that the attention of the community, of interested parties and of the media cannot fully be given to these very important hearings by the Public Accounts and Estimates Committee.

If this were just a one-off occasion for very good reason explained in clear detail to the house, then of course there would be less reluctance to accommodate it, but we do not know exactly what this other business is that the Leader of the House alludes to that the Premier is preoccupied with. It seems that increasingly he and his ministerial colleagues are prepared to give priority to other duties over their commitments to the Parliament.

This, as I recall, is not the first occasion on which this has happened. Last year there was a similar motion put to this house because the budget itself was delayed and therefore there was no practical alternative for the committee last year but to allow a similar occurrence to take place. On that occasion the delay, as I recall it, was due to the Commonwealth Games and, for some unspecified reason, the government therefore wanted to delay the introduction of the budget itself. But the point I make is that we should not be making a habit of this.

For two years in a row, as I recall, the government has sought leave of the house to have this evidence presented on a sitting day, and I would certainly hope we would get a commitment from the government that it remains committed to the principle that this should occur only in special and exceptional circumstances and that the government has no intention of making a habit of having the Premier and other senior ministers come before the PAEC on sitting days.

Dr SYKES (Benalla) — The Nationals agree with the proposition of granting leave for this to occur. However, we do, as the opposition spokesman has said, raise the question of why it needs to be done, and in spite of the Leader of the House's comment that the

government is committed to open, transparent and accountable government, we are not quite so sure.

From my brief time on the Public Accounts and Estimates Committee, it is my understanding that the committee's role is to ensure that the government of the day is accountable to the Parliament and, through the Parliament, to the people of Victoria. I have found — and I think what is happening at the moment heightens this concern — that there appear to be issues constraining the Public Accounts and Estimates Committee's ability to deliver on its core responsibility. We have issues such as limited staffing at the moment, with massive staff turnover; we have a number of inquiries and a particularly heavy workload with the budget; and there appear to be serious constraints arising on the ability of the Public Accounts and Estimates Committee to initiate its own inquiries, which is the way of holding the government truly accountable. So in accepting and being prepared to grant leave to enable the committee to interview the Premier prior to him going overseas, I highlight the importance from The Nationals point of view of the government being open and accountable.

We must not set up a pattern of continuing to make exemptions to the longstanding traditions of the conduct of parliamentary committees. I am also looking forward to having the opportunity of sitting down with the committee and hearing directly from the Premier about the commitment he is hopefully going to make to all of Victoria, particularly country Victoria, which is gripped by drought and bushfire. I am hoping we will be convinced by the Premier that he is living up to the commitment of governing for all Victorians.

Mr STENSHOLT (Burwood) — I rise to support the motion. As the chair of the Public Accounts and Estimates Committee I am looking forward to the Premier appearing before it. This Premier appears when a previous Premier did not. This is a great tradition that has been established by the current Premier. This motion will allow for time and space to be made so we can see this accountability in practice. We are looking forward to increased and continued accountability by this appearance of the Premier at the Public Accounts and Estimates Committee.

Mr WELLS (Scoresby) — The opposition will be supporting this motion, but let me say that if the same motion comes up again this time next year, it will not support it. The reason why we supported it last year was that we were told it was a one-off. We now have a situation where it has come up again, so rather than being an exception it is becoming the norm. We just give notice that if the same motion comes up again next year we will not support it.

The reason why we do not have committees sitting on parliamentary sitting days is that we obviously want our total focus to be on Parliament. As opposition members and shadow ministers we have a strong commitment to and a heavy workload in the Parliament, and if we are required to be a part of the Public Accounts and Estimates Committee then obviously we cannot be in two places at the one time. We ask the Leader of the House to ensure that the workload in that week is reasonable so that when the Premier comes before the Public Accounts and Estimates Committee at 3.00 p.m. there is not a sudden rush of bills into the house between 3.00 p.m. and 4.00 p.m., which would put us at a distinct disadvantage. I ask the Leader of the House to give that commitment. I also want to make sure the house is aware that if the motion comes up again next year, we will be strongly opposing it.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Victorian Communities) — I move:

> That the house, at its rising, adjourn until Tuesday, 1 May 2007.

Motion agreed to.

MEMBERS STATEMENTS

Seniors: Active Living grants

Ms NEVILLE (Minister for Mental Health) — Last week I had great pleasure in visiting the East Geelong Senior Citizens Club to meet with the No Falls strength training group. I watched them work out and even joined in very briefly. The occasion was the announcement of the Seniors Go for Your Life Active Living grants. As part of this announcement I was pleased to announce additional money for the Barwon Primary Care Partnership which involves four local government areas. This is funding of $40 000 over two years to build on existing physical activity programs and take them into communities which have not been able to access them before, including a number of Bellarine communities — Newcomb, Ocean Grove and Queenscliff.

The grant is intended to strengthen the existing networks between the health, sport and recreation sectors and develop new programs tailored to the needs of particular communities. It was great to see the East Geelong Senior Citizens Club's class in action as part of this program. The participants are a highly enthusiastic group of women who meet weekly for the fitness and strength training class that has developed through the Active Living grants program. The class is led by facilitator Dee Martin, who has supported and encouraged them in achieving a level of fitness that has surprised many of them. My thanks to them for their warm welcome, and congratulations to Sue Martin and staff from Barwon Health, Paul Elshaug from Leisure Networks, and particularly facilitator Dee Martin for her supportive and motivating leadership of all the women who are participating.

Rail: Drouin car park

Mr BLACKWOOD (Narracan) — The Bracks Labor government's 2005–06 budget promised a new car park for the Drouin railway station. The building of the car park was to be completed along with the fast rail project. The fast rail project was completed in October 2006, yet construction of the car park still has not commenced. The government encourages people to use public transport and save on greenhouse gas emissions by leaving their cars at home and commuting into the city by rail. However, the people of the Drouin area who choose to use public transport and avoid the bottleneck at Pakenham and the frustration of the Monash Freeway car park have nowhere to park their cars at the Drouin railway station.

Unless you catch the first train of the day very early in the morning, there are no spaces available. Commuters are having to park in the main street, where there are time-restricted parking zones. This in turn impacts on local traders as customers go elsewhere to shop at places where parking is available. The impact of inadequate car parking at the Drouin station is causing major problems for many in the community, not just rail commuters.

The minister's office has been unable or not prepared to shed any light on this matter. Does the minister even care? I call on the Bracks Labor government not only to reaffirm its commitment in the budget next month but to immediately call tenders for the construction of the car park. The Drouin people should not have to wait another month for the promise to be reaffirmed; they have waited long enough. Let me highlight that this was not an election promise, it was a funding allocation in the budget for 2005–06. It is yet another example of this government's failure to deliver projects on time.

Spirit of the Bush concert

Mr HELPER (Minister for Agriculture) — On 17 March I had the privilege of attending, along with a crowd of 20 000 others, the Spirit of the Bush concert at Longerenong, near Horsham. This free event was the brainchild of country musician Lee Kernaghan, who called the Premier late last year with his idea. The Premier gave his support, with my department, the Department of Primary Industries, leading the organisation. The concert was the biggest-ever free concert in the Wimmera, and most importantly gave hardworking and proud farming communities an opportunity to get together, relax and be entertained by a line-up of great local, national and international musicians. With many parts of Victoria suffering the worst drought on record, this was a break that was very much needed.

The member for Lowan and I were in the audience and can attest to the fact that a wonderful day and night was had by all. The ground was dusty, the sun was too hot for a late March day and there was no rain in sight, but the atmosphere was nothing short of fantastic, as was the support for the concert. It was nothing short of outstanding.

I want to congratulate everyone involved: the artists, and particularly Lee Kernaghan for his original idea and work to get the concert off the ground; the Horsham rural city mayor, Gary Bird, and the Horsham rural city staff; the local community; all the hardworking volunteers; and the media, particularly the *Wimmera Mail-Times* and WIN Television.

Spirit of the Bush concert

Mr DELAHUNTY (Lowan) — I am glad to follow the Minister for Agriculture on this topic, because Saturday, 17 March, will be remembered in western Victoria for a long time. Over 20 000 people came to the Wimmera machinery field days site for the Spirit of the Bush concert. There were not only farmers but also local townspeople as well as families with children who came from far and wide across Victoria and interstate. The concert was led by Lee Kernaghan, a man who has won many Golden Guitar awards. He was strongly supported by his sister Tania, along with Gina Jeffreys and many others, including Leo Sayer. The local artists who opened the concert included the Woodbine Dance Troupe, Andrew Mahony, Lash 78, Innovation and Wesley Carr.

Big thanks go also to the 500 or so volunteers from service, sporting and community groups who worked with the event committee headed by Sharolyn Taylor.

The police, the emergency services, the Horsham Rural City Council and the Department of Primary Industries all put in a lot of effort. The concert was given excellent coverage by both national and local media, including the *Wimmera Mail-Times* and WIN Television.

Through the efforts of the Make-A-Wish Foundation two young people from my electorate, Marie Leeworthy, aged 9, and her brother Jarrah, aged 4, of Dartmoor, who suffer from a terminal genetic condition, were granted their wish and met Lee Kernaghan and other artists. The concert highlights again that country Victoria can put on major events. This concert was an enormous boost to the region, both mentally and financially. On behalf of western Victorians I thank the government for its financial involvement. I also thank all those involved. Along with the Horsham Rural City Council mayor, Gary Bird, I also believe this concert should win a state community event of the year award.

Lee Kernaghan's hit, *Boys from the Bush*, brought the house down.

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

Animals: protection

Ms DUNCAN (Macedon) — In recent weeks I have had the privilege of meeting a number of extraordinary people who devote enormous amounts of time, effort and emotion to protecting and rescuing animals around this state. The animals protected include native animals such as kangaroos and koalas — and I was pleased in the last sitting week to table a petition drawing attention to the need for careful management of kangaroos. This follows recent reports highlighting the increase in the illegal shooting of kangaroos. In our area we were all horrified to see on the front page of our local paper a photo of a kangaroo mutilated but not killed by an illegal shooter.

I pay tribute to Sue Anderson, Jean Sanders and other local Wildlife Victoria rescuers. Similarly members and supporters of Project Hope do an amazing job of rescuing starving horses around the state. People like Samantha Forest, Kerryn Soloman and many others also spend enormous time and their own money on rescuing these horses. These are difficult tasks, and the women I have met in recent weeks are incredibly dedicated to the tasks. They pay an enormous personal price in protecting these animals from further suffering, and they are practical, professional and dedicated. Organisations like Project Hope and Wildlife Victoria do a great job and frequently work with and support the efforts of the Royal Society for the Prevention of Cruelty to Animals.

As we come into winter, cases of neglect will get worse. I pay tribute to these organisations and the team of volunteers who support them. The women I have recently met deserve our respect and support for the often heartbreaking work they do day and night, all year round.

Air services: stamp duty

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government for sitting back and happily collecting its growing stash of GST revenue from the commonwealth whilst again trying to impose yet another anticompetitive business tax on a vital industry in the state. In its latest grab for cash the Bracks government is now seeking to apply stamp duty to the global insurance policies of airlines operating to and from Victoria, a move that could be considered to be a direct attack on and particularly detrimental to Victoria's ailing international tourism industry.

It is my understanding from consultation with representatives of the international airlines operating in Victoria that they do not incur any liability for stamp duty on their global insurance policies in any other jurisdiction in the world except for Western Australia. This latest Bracks government grab for cash has the potential to add many hundreds of thousands of dollars to the costs of each airline that operates in Victoria and comes at a time when the Minister for Tourism just recently was cynically trying to blame the federal government for preventing increased airline flights into Victoria. The Minister for Tourism needs to look in his own backyard to see why international airlines are shunning Victoria and choosing to operate in other states.

If the Bracks government continues to impose new taxes on business and operate a high-taxing, high-cost business environment we will not only lose future investment and employment opportunities to other states and countries, we will also be driving existing business out of Victoria and costing jobs.

Viewbank Cricket Club: under-14 premiers

Mr LANGDON (Ivanhoe) — I would like to congratulate the Viewbank Cricket Club under-14s team on its outstanding achievements this season. Struggling for numbers at the start of the season, the team consisted of just a handful of boys who were in the under-14 age group, with the balance of the team being made up of under-12s. I am pleased to advise the

house that this team competed in the grand final on the weekend of 17 and 18 March and came away with the premiership flag, defeating the previously undefeated Edinburgh by 95 runs. It was an outstanding achievement.

Congratulations to the players and support staff: Connor Lennox; Nic Langdon; Michael Noon-Hall; Mel Ackerman; Curtis Burgess; Karendeep Singh; Arik Kadalbajoo; Michael Waymann, player of the match; Adam Renwick; Nathan Ciocca; Dylan Gaffney; Ryan Cleaver; Jake Grimshaw; and Chiarg Bhargava. In particular, the coach, Wil Gelling, did an outstanding job to get the team together and work its way through the season. Paula Lennox, the team manager, could and did organise everything, and she started off the season as the scorer. Her role was later taken over by Kate Langdon, who ended up being the official scorer for the rest of the team. Congratulations to the entire team for a job well done. I know they really enjoyed the day.

Anglesea Primary School: relocation

Mr MULDER (Polwarth) — I bring to the attention of the house the proposed relocation of the Anglesea Primary School. I previously spoke on this matter in this place in October 2005, at which time it was understood that the then Minister for Education and Training was due to sign off on the purchase of land from Alcoa that would allow the school to relocate to a new site in Camp Road, Anglesea. The reason for needing to relocate remains the same as it was back in 2001, when I initially visited the school to discuss its plans for the future. However, the imperative has grown due to overcrowding and continuing decline of the old, cramped buildings.

Staff, school council members, students and Anglesea residents must feel like they are on a merry-go-round with the continual recirculation of paperwork, funding applications and processes to be followed and still no actual start date more than six years down the track.

I understand that only this week Surf Coast Shire Council moved a motion to rezone the land in Camp Road in order for the new school to be built there. Despite what seemed to be the case in 2005, it now appears that this rezoning was necessary to allow the Department of Education to acquire the land from Alcoa — one more circuit on the merry-go-round.

It is to be hoped that the present Minister for Planning has some sense of the long delay experienced by the Anglesea school community, as well as the restrictions it faces daily with limited recreation space and unsuitable facilities, and bearing this in mind will resolve this issue with his education counterpart and finalise the sale of the land. At least that would be a step in the right direction after six long years. I understand that the school plan has moved through stage 1 of the Building Futures program and the school is now working on stage 2. It would be nonsensical if the criteria for the planning for a new school was satisfied but the purchase of the land was not resolved, just as it would be totally unacceptable — —

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

Australian International Airshow

Mr EREN (Lara) — I was happy to attend the 2007 Australian International Airshow at Avalon in my electorate of Lara last month. I am very pleased that it brought major investment dollars and jobs into Geelong and Victoria. In fact the attendance figures released yesterday confirmed that 182 000 people attended this year's Australian International Airshow, which is up from the 2005 figure. In 2005 the event injected nearly $100 million into the Victorian economy and created over 1800 full-time-equivalent jobs. This year's event celebrated the 60th anniversary of the breaking of the sound barrier, with Chuck Yeager, the first person to break the sound barrier, attending as the guest of honour. This year's airshow was the eighth held. It is a magnificent addition to Victoria's major events calendar. It shows that this government is working to ensure major events happen across the state.

Avalon showcases Victoria as Australia's aerospace, advanced manufacturing, aviation and defence industries state. Local companies are winning key contracts for major international projects such as the joint strike fighter, the Airbus A380 and the Boeing 787 Dreamliner. Avalon is going great at the moment. Jetstar is doing so well there and Linfox is putting so much into the airport development. It is an important business in Geelong and it has the potential to get even bigger than it already is.

A Deadly Legacy exhibition

Mr INGRAM (Gippsland East) — I recently opened a haunting and moving photographic exhibition titled A Deadly Legacy. A Deadly Legacy is a photographic exhibition on the human impact of landmines, anti-vehicle mines and cluster bombs. The exhibition was organised by Kerryn Clarke from the Uniting Church of Australia. It was in my electorate, but is moving around Australia. I encourage all members to visit this exhibition if they get the opportunity. It is a very disturbing but extremely

interesting exhibition. It is not only about the personal impact when bombs explode, it also explains the damage this does to communities. A number of photographs show things like road building equipment which was destroyed in Bosnia in 1997. People moved back in after the conflict, but the contractors equipment hit an anti-vehicle mine when they were repairing bridges. This stopped the repairing of those communities. The exhibition is a haunting reminder that we need to make sure that the international community removes those munitions which destroy and stop the repair — —

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

St Catherine Laboure parish, Moorabbin: 50th anniversary

Mr HUDSON (Bentleigh) — Recently the parish of St Catherine Laboure in Moorabbin celebrated its 50th anniversary. The jubilee celebrations commenced with a concelebrated mass led by Bishop Christopher Prowse, Fr Tony Spierings, eight priests and the sisters of the Sacred Heart, who have had connections with the parish throughout its history. There were also many distinguished guests who acknowledged the part St Catherine's has played in the development of the local community. Following the mass there was a luncheon and tours of the school, with a lot of interest shown in the photographic display and the memorabilia, including the old school bell.

The parish commenced in 1956 with the establishment of a church, now the parish hall, then a school of four classrooms. There is now a school of 175 students with nine classrooms, an art room, a learning resource centre, a computer lab and very pleasant school grounds. Over the years the school has been a small yet vital part of the local community. It has a very good relationship with the Omega Cricket Club, which trains at the school and runs a cricket clinic for the children, a thriving playgroup at the school, and the Italian Social Club of Moorabbin, which has its home at St Catherine's.

The children of St Catherine's Parish have also initiated a 'clean green day' which coincides with the celebration of St Patrick's Day and is part of the Clean Up Australia campaign. St Catherine's was founded upon the hard work and generosity of many who were 'inspired by faith' in the best traditions of the school motto. Congratulations to the principal, Mrs Helen Greenhill, and the school community.

Schools: Malvern electorate

Mr O'BRIEN (Malvern) — I call on the Bracks government to provide much-needed capital and maintenance funding in the forthcoming budget for the five state schools in my electorate. Armadale, Lloyd Street, Malvern and Malvern Valley primary schools and Malvern Central School have wonderful students, dedicated teachers and supportive parents. As the local member I am extremely proud of the work they do. However, to varying degrees they are all in need of further capital and maintenance funding.

Lloyd Street is in particular need. The government's own figures identify a $500 000 maintenance backlog at the school which has been disgracefully allowed to accumulate. With growing enrolments the small amount of recreation space at Lloyd Street is increasingly being swallowed up by portable classrooms. It desperately needs extensions to its permanent building to replace the portables, thereby reclaiming space to let the students have somewhere to play. I mention Lloyd Street as but one example of this government's neglect. Other government schools in my electorate also need upgrades and I am happy to provide the relevant minister with further details.

If this government's claimed commitment to education in this state is to be regarded as anything other than pretence, it must use the 2007–08 budget to fund much-needed capital works and eliminate the maintenance backlog at all the schools in the Malvern electorate.

Special Olympics Victoria: summer games

Ms D'AMBROSIO (Mill Park) — I wish to inform the house of the opening ceremony for the Special Olympics Victoria games held in the Whittlesea municipality on Saturday, 31 March. I attended the opening ceremony at the Meadow Glen athletics stadium, together with the Minister for Sport, Recreation and Youth Affairs, council representatives and other special guests.

There were 258 athletes in full force, proudly representing regions across Victoria, including the Ballarat-Grampians, Barwon, Dandenong Valley, inner eastern, Loddon Campaspe, northern, outer eastern, Ovens and Murray, southern and Western Port regions, and a contingent from New South Wales. As an indication of the goodwill and spirit that characterised the entire games period the athletes proudly marched onto the track with their team banners and colours and cheered as each regional contingent was officially announced. The opening ceremony included oaths for

the athletes, coaches and officials and the Olympic flame was also lit.

This Special Olympics Victoria games would not have been possible without the dedication of the volunteer parents and carers and, of course, the eagerness of the athletes themselves. I am pleased that amongst its strong supporters was the minister who provided a grant to assist with the organisation of the games. I know that the minister is a great supporter of Special Olympics Victoria and his attendance on the day was greatly appreciated. I wish to give due acknowledgement to Ian Edmondson, the chair of Special Olympics Victoria, for his very hard work. Ian has been a driving force in broadening athletes participation in the games across Victoria, providing opportunities for social and sporting engagements and friendships to be formed for all involved.

Children: protection

Mr THOMPSON (Sandringham) — I wish to raise a very serious matter that has been drawn to my attention by the Martin family of Beaumaris. It concerns the sexual assault of a young boy in a park in Elsternwick on 15 April. The concerns also arise from the fact that earlier a report had been made to the police about a person acting suspiciously in a park; and there was a wider aspect to it, in that the police had not followed it up in a manner that was regarded as appropriate by a number of local residents.

In addition, in terms of trying to find out whether there should be an escalation of supervision of children in public parks in Melbourne, at the moment there are some important questions that need to be asked at the earliest opportunity. How many other children under the age of 10 have been sexually assaulted by strangers in public parks in the bayside area over the last 5 years and the last 12 months? How many of these crimes have been solved? How many child molesters are the police currently monitoring in the bayside area, and in the opinion of experts what is the current level of risk to bayside families as a result of incidents like this?

The Martin family and many of their friends are particularly concerned to ensure that no other children are placed at risk in the municipalities of Port Phillip, Kingston and Bayside as a result of a lack of action.

Glenroy West Primary School: student leaders

Ms CAMPBELL (Pascoe Vale) — When primary school students take their first steps in the challenge of becoming the leaders of tomorrow, their pride and commitment shines through in their open young faces. Congratulations to the Glenroy West Primary School student leaders who were elected by their fellow students to the students representative council.

Lauren Hill will chair it, with Jordan McLeish as secretary and Nicolette Kruse as treasurer. They head the 12-member team that also includes Caitlin McGuigan, Matthew Winzar, Brooke Semini, James Steward-Sibar, Madison Linsdell, Umang Davendra, Christian Neofotistos, Harry Ferraro and Georgia Hurley. Congratulations also to the student leadership team of Emily Loney, Jessica Galea and Haripriya Sridharan.

This house should also acknowledge the house captains and vice-captains. The captain of York is Craig Taylor and the vice-captain is Justine Cabandong. In Clovelly the captain is Jade Crawshaw and the vice-captain is Michelle Li. In Chapman the captain is Lachlan Hart and the vice-captain is Matthew Bruce. In William the captain is Jack Tanner, with Hayden Hasselo as vice-captain.

Proud parents, grandparents and friends appreciated the efforts of the wonderful staff at that very special school assembly. It was with great pride that we collectively wished these young student leaders great wisdom in their deliberations and support of their fellow students.

Community cabinet: Mildura

Mr CRISP (Mildura) — I welcome the announcement that the Bracks government will hold a community cabinet meeting in Mildura on Monday, 28 May. It was encouraging to see the Treasurer visit last week.

With the community cabinet meeting comes the opportunity to build a solid working relationship with the government, which is so important in light of the friction that developed over the proposal to place a toxic waste dump at Nowingi. Although ruling out compensation being paid to the Mildura Rural City Council for its huge costs in fighting the proposal was disappointing, the Treasurer's announcements during his visit were welcome, as was his interest in the current and future projects that Mildura business is involved in, and it is encouraging to hear that the government is planning major projects of its own for my electorate.

Now is the time to work with the government to ensure that Mildura continues to thrive, with major projects being the key to attracting investment to the area. The drought and water shortages have affected every Victorian resident, and Mildura and surrounding towns have been adversely affected too. With downturns in

the agricultural and horticultural sectors for a variety of reasons, the ripple-on effect has been felt by business operators and the entire community as a whole.

Therefore I again thank the government for honouring a promise to hold a community cabinet meeting in Mildura and look forward with anticipation to the announcement of major projects and government investment. Currently Mildura is undergoing a shift in production from the traditional areas of food and wine to manufacturing and mining. I look forward to the visit.

Fr Nguyen Van Ly

Mr DONNELLAN (Narre Warren North) — I rise today to condemn the communist government of Vietnam for the sentencing of the democracy and human rights activist and Catholic priest, Fr Nguyen Van Ly, to eight years jail. Fr Ly is 60 years of age and already has spent 15 of the past 21 years in jail. The official reason that he was sentenced is that he disseminated antigovernment documents, communicated with pro-democracy activists overseas and so forth. The trial was an absolute disgrace. Fr Ly was restrained during the trial, and he had his mouth covered so that he could not respond to the charges alleged against him. The government set up a group of pro-communist reporters to report on the trial.

Fr Ly has a brother and other relatives who live here and are very distressed by this recent sentencing, all because Fr Ly is asking for basic democratic and human rights. Of course the Vietnamese government did not go after Fr Ly until after the country's ascension to the World Trade Organisation and the Asia-Pacific Economic Cooperation meeting. It is an absolute disgrace. That government should be condemned and we should not be dealing with it.

Gas: Casey supply

Mr BURGESS (Hastings) — I ask that the Bracks government take immediate action to provide natural gas to the towns of Tooradin, Blind Bight, Cannons Creek, Warneet, Cranbourne South and Devon Meadows, and parts of Langwarrin. These towns are located predominantly within the city of Casey. With a population that has reached 229 000 and is increasing by more than 8000 people annually, Casey is Victoria's fastest growing municipality. Casey's growth has generated great demand for additional infrastructure, but inexplicably Casey council has been all but ignored by the Bracks government's $70 million natural gas expansion plan.

The towns I have mentioned need and deserve the boost that infrastructure and services investment would bring. There are many good reasons why the first thing delivered should be natural gas. Households that convert from liquefied petroleum gas (LPG) to natural gas will save between $600 and $1200 a year, natural gas being around one-third the price of LPG and half that of off-peak electricity. It is not only individuals that save with natural gas; the whole community and the environment benefit. Natural gas produces far lower levels of greenhouse gases than oil or coal and half that of electricity. It also produces virtually no solid waste and has much less impact on the quality of water.

I ask that the state government provide natural gas to Tooradin, Blind Bight, Cannons Creek, Warneet, Devon Meadows, Cranbourne South and areas of Langwarrin as a matter of urgency.

Whittlesea: memorial arch

Ms GREEN (Yan Yean) — Recently I was pleased to attend the rededication of the Fathers Association Memorial Arch in Whittlesea by the Governor of Victoria, David de Kretser, AC. The fathers arch was originally dedicated by the then Governor in 1927. It was a beautiful memorial to honour the 36 local men who died as a result of World War I.

Over time the memorial arch had fallen into disrepair. I congratulate the Whittlesea sub-branch of the Returned and Services League, led by president Ned Panuzzo, for its initiative, its care in seeing that the memorial needed restoration and its foresight in applying for a community war memorial restoration grant, which I was pleased to support. With the $7000 provided by that grant, as well as some money from the City of Whittlesea and some of the Whittlesea sub-branch's own funds, the arch is now looking better than it ever did. It will be a beautiful sight for the community to enjoy at the Anzac Day commemorative events, which I will be attending.

Sunlight Residential Aged Care: opening

Ms GREEN — I also had the privilege recently to attend the opening of a very innovative and beautiful residential aged-care facility, the Sunlight Residential Aged Care facility, next door to the Whittlesea Secondary College. Congratulations to the owners, the Leaper group. It is a beautiful place to live.

Electricity: Keilor/Aberfeldie powerline

Mrs MADDIGAN (Essendon) — I would like to support the action of Cr Paul Giuliano of Moonee

Valley City Council in his efforts to lobby the federal government to underground transmission lines in the west of Melbourne. The goal is to have six kilometres of the line run underground from the Keilor terminal station to the Maribyrnong River in Aberfeldie. He proposes that a working group be set up involving the three councils in the area — Moonee Valley, Maribyrnong and Brimbank — to lobby the federal government to try to achieve the same.

The lines cross St Bernard's College, an excellent secondary school in our area. The Maribyrnong River Valley is a beautiful part of the western suburbs, and the removal of the powerlines would make it even better. Because the powerlines are very old, I do not think they would be permitted to be built under current legislation. They cross a number of homes or come very close to residences in the area, which is alarming. I often walk around the Maribyrnong River, and particularly on wet days the noise coming from the powerlines would make anyone who lived in that area fairly nervous.

Regardless of the arguments about the safety of powerlines, which I think are unresolved, they are certainly an eyesore in the area, and to have them removed would be a great thing. I congratulate Cr Giuliano on his efforts and wish him all the best in his endeavours.

BUSINESS OF THE HOUSE

Division list

The ACTING SPEAKER (Mr Ingram) — Order! On behalf of the Speaker I have to inform the house that in the division that took place on Wednesday, 18 April 2007, on the question that the Infertility Treatment Amendment Bill be agreed to without amendment, the tellers for the ayes inadvertently recorded the name of the member for Ferntree Gully instead of the name of the member for Warrandyte. The member for Ferntree Gully was also correctly recorded as voting no. The Clerk will make the necessary correction to the division list.

LIVESTOCK DISEASE CONTROL AMENDMENT BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 4, lines 25 to 27, omit all words and expressions on these lines and insert —

   '( ) For section 15(1)(b) of the **Livestock Disease Control Act 1994 substitute** —

   "(b) any livestock, livestock product, fodder, fitting or any other article has been in contact with diseased livestock or a diseased livestock product — ".'

2. Clause 4, line 31, omit "fitting or fodder" and insert "fodder, fitting or article".

3. Clause 4, page 3, line 6, omit "fitting or fodder" and insert "fodder, fitting or any other article".

4. Clause 4, page 3, line 7, after "livestock" insert "or a diseased livestock product".

5. Clause 4, page 3, line 9, omit "fitting or fodder" and insert "fodder, fitting or article".

6. Clause 4, page 3, line 12, omit "fitting or fodder" and insert "fodder, fitting or article".

7. Clause 4, page 3, lines 15 and 16, omit "fitting or fodder" and insert "fodder, fitting or article".

8. Clause 9, line 15, before "After" insert "(1)".

9. Clause 9, after line 18 insert —

   '(2) In section 113(1)(e) of the **Livestock Disease Control Act 1994**, for "or fitting" **substitute** ", fitting or any other article".'.

Mr HELPER (Minister for Agriculture) — I move:

That the amendments be agreed to.

In so moving I do not wish to discuss the details of the amendments — they have been well aired, and I must say aired in a spirit of cooperation, first in this chamber during the second-reading debate and then of course in the other chamber, where these amendments were made.

I want to highlight and put on the record my appreciation of the members for South-West Coast and Benalla for their cooperation in doing what I think the community wants us all to do, and that is to add value to legislation. The issues referred to in this chamber by those two members have been taken into account, and we have come up with a set of amendments, as is evidenced by the fact that they were agreed to by the other house, which address the concerns expressed here during the second-reading debate.

Again I put on record my appreciation for the cooperation of those two members as well as of Mr Vogels, a member for Western Victoria Region in the other place, Mr Hall, a member for Eastern Victoria

Region, and government and opposition speakers both during the second-reading debate and in the adoption of amendments put forward by the government in the other place.

Dr NAPTHINE (South-West Coast) — I wish to thank the minister, ministerial staff and the department for their cooperation on this matter. It is a rare occurrence in this house that the government listens to valid points raised by the Liberal and Nationals opposition, applies common sense and acts in the best interests of Victoria. These amendments adopt very sensible and much-needed changes to this legislation. The amendments are important, because they will make a real difference and genuinely help the department control the potential spread of exotic diseases. They are not frivolous or cosmetic; they are genuinely important amendments that will make sure that departmental officers have all the powers needed to control a potentially very serious outbreak of exotic disease.

I wish to place on record some of the history. This issue was first raised by me in a briefing with departmental officers and ministerial staff, and even at that time the ministerial adviser and departmental officers took on board the comments that were made and gave consideration to them. They were given in good faith and taken in good faith, and I appreciate that. I raised this issue in this house and it was reiterated by other speakers. In my speech to the house I said:

> I would suggest to the minister that when the bill is between here and another place he look at whether the use of the word 'normally' may jeopardise our ability to effectively control diseases.

I was referring to then new section 3(1)(d), which said that equipment which had normally been used in connection with livestock and which had been brought into contact with livestock product could be seized if there were an exotic disease and could be treated appropriately. We were concerned that the use of the word 'normally' would limit the powers of inspectors to seize a whole range of other things that may come in contact with diseased livestock product or diseased livestock and potentially spread an important exotic disease. Because those things — whether they be a watch, a laptop computer or some other item — would be deemed to be not normally used in connection with livestock, they would not be able to be seized. I think that is a very valid point.

I further quote from my earlier speech on this matter:

> I would earnestly suggest to the minister that the word 'normally' needs to be reviewed in this context. It should include anything, whether it be things that are normally used in connection with livestock or things that are not normally used in connection with livestock.

I further said:

> All those things could come into contact with a contaminated livestock product and potentially transmit a virus or disease in an exotic disease outbreak.

I am pleased that the minister has listened to those sound comments and taken them on board.

In conclusion I wish to place on record my acknowledgement and thanks to Dr Neil Tweddle, who is an eminent expert in exotic disease control and who has had a long and distinguished career in the Victorian department of agriculture and the commonwealth Department of Agriculture, Fisheries and Forestry. He has been recognised throughout the world as an expert in exotic disease control measures. He has worked in many countries around the world on these issues. When I sent the legislation to Dr Tweddle he alerted me to this concern, and I want to acknowledge his positive contribution, which I was able to bring to the attention of the minister and the house through this debate. I am pleased the minister has responded. It is important to recognise the role Dr Tweddle has played.

On behalf of the Liberal Party and our shadow Minister for Agriculture, John Vogels, in the other place, who has been very positive in listening to these concerns and taking them up in productive discussions with the minister and his staff, I express my thanks and appreciation. I think the community would say this is Parliament working in a very appropriate and positive way to make sure legislation is the very best we can have to equip our departmental officers to deal with exotic disease outbreaks. We all will benefit from having these outbreaks dealt with efficiently and effectively.

Dr SYKES (Benalla) — It gives me pleasure to join this debate. The brief contribution I will make basically endorses the points made by the member for South-West Coast. I will also start by thanking the minister and his staff for taking on board the issues raised by the member for South-West Coast. I congratulate him for having picked up on the issue and raised it. I also acknowledge the role of Dr Neil Tweddle. As a number of members would know, in our previous careers we were veterinarians together, perhaps known as the three amigos at some stage. It is good that that working relationship can continue in the interests of the Australian livestock industry and the Australian public in general.

Naturally The Nationals will be supporting the amendments, because they are sound and are a good

example of cooperation in the interests of the livestock industry and also the Australian public and the Australian economy.

As we know, an outbreak of an exotic disease such as foot and mouth would cost billions of dollars in the first year and have absolutely catastrophic impacts on the whole of the Australian economy, not just the livestock industry. While Australia does not ride on the sheep's back any longer, the reality is that the livestock and agricultural industries still play a major part in our economy, as we will find out over the next year or so when the full economic impact of the current drought flows through to the bottom line budget figures of this state and other states.

As the member for South-West Coast indicated, the amendments clarify the powers of inspectors of livestock or other authorised people to ensure the disinfection of items which may present a risk of spreading diseases such as foot and mouth disease. Members may recall that in my speech on this bill during the second-reading debate I drew on my experience in the United Kingdom where foot and mouth disease was running rampant and a massive cull program was undertaken that I was part of.

One of the key things that highlights the point that the member for South-West Coast was making is that the slaughtermen who were involved in the slaughtering out of the livestock seemed to think they were above the requirements that are placed on normal people in relation to disinfection. You had the situation where the slaughtermen, who were doing a fantastic job, thought that they could wear watches onto a place and that their equipment — their captive-bolt pistols and cartridges — should not be subject to disinfection because, firstly, it might muck up their watches and, secondly, it might interfere with the functioning of their captive-bolt pistols and cartridges. It was a classic example of where, because the power was not clear cut, you could have a somewhat robust debate with somewhat robust slaughtermen at a time when people were already fairly tense and emotionally drained.

It is important to have a very clear power which can be assigned not just to an informed inspector of stock who has worked in the system for years but perhaps to the lance corporal of the army, who is often on stand-by, or to the local constable, who has absolutely zero background and needs to work from a very simple hymn sheet. Having an unequivocal, clear-cut power is absolutely essential to limiting the chance of the spread of disease.

I hope the spirit of cooperation that we have experienced on this particular legislation can be extended. It existed in the combat phase of the recent bushfires, where there was a good working relationship between all members of Parliament, regardless of which party they belonged to. I make a plea for that spirit of cooperation to continue. I have had a discussion with the Minister for Agriculture on this issue, and I make that plea particularly in relation to the drought. We who are out there in country Victoria have something significant to contribute in dealing with the drought issues, which are approaching catastrophic proportions, particularly in relation to the financial and mental health impact on people. I make a plea to the minister to allow us to work with him to help our people in country Victoria, who are really hurting both emotionally and financially.

With those few remarks I indicate that The Nationals are pleased to support the amendment.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

LEGAL PROFESSION AMENDMENT BILL

Second reading

Debate resumed from 28 February; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Legal Profession Amendment Bill makes a wide range of changes to the Legal Profession Act 2004, largely to reflect the changes that have been agreed to the national model of legal profession regulation. While the bill is complex and detailed, its main provisions can be distilled down to a more manageable number of points.

The bill will require that interstate lawyers only need to give notice of their operations in Victoria if they become authorised to draw funds from a Victorian trust account. It will exempt interstate government lawyers from regulatory requirements to the extent that they are exempt in their home jurisdiction. It will allow foreign lawyers to practise foreign law in Victoria for up to 90 days in a year without having to register, unless they become a partner or a director of a local law practice. It will restrict the handling of trust accounts in accordance with the national model, including prohibitions on cash withdrawals and the use of automatic teller machines and telephone banking.

It will apply legal professional standards only to the legal aspects of multidisciplinary firms. It will allow clients up to 12 months to seek a cost review by the taxing master of the Supreme Court, compared with the 60-day time limit at present, with a further provision allowing applications for reviews out of time. It will also provide that law firms can be required to provide an itemised bill of costs within 21 days of being asked by a client to do so. In addition the bill will provide that third parties who are legally liable to a law firm to pay legal costs — for example, the parents of the juvenile client — are given the same rights as clients in relation to being given information about costs and to have costs reviewed. It will also provide that third parties who are legally liable to the client or another person to pay the legal costs — for example, a borrower who is liable to pay the lender's legal costs — are given more limited rights, including the right to have the costs reviewed.

There are a number of issues raised by the bill that I want to turn to. But I first want to make an observation relating to the statement of compatibility under the Charter of Human Rights and Responsibilities Act that has been provided to the house by the Attorney-General in relation to this bill. This statement is yet another illustration of the bureaucracy and the unnecessary complexity that are being imposed, not only on this Parliament but more importantly on the community, by this charter. We have seen the Scrutiny of Acts and Regulations Committee point out to the house that the Minister for Health failed to inform the house of the human rights implications that were raised by the Infertility Treatment Amendment Bill. Regardless of one's views on the merits of the issue, these were matters that should have been flagged to the house for the house's attention if the government was taking its own charter seriously.

In relation to this bill, the statement of compatibility makes a disclosure about the possible privacy and reputation implications of the bill and concludes that the bill is compatible with the right to privacy. But in the next part of the statement of compatibility under the heading 'Consideration of reasonable limitations', the statement makes the assertion that:

> The bill does not limit any human rights and therefore it is not necessary to consider under section 7(2) of the charter.

This is an internal contradiction within the statement of compatibility itself. On the one hand it says that there are privacy implications but that they are okay for the reasons that are given, and on the other hand it says that it does not limit any human rights implicitly at all. Section 7(2) of the charter says:

> A human right may be subject under law only to such reasonable limits that can be demonstrably justified in a free and democratic society …

If you follow the logic of the government's own tortuous piece of legislation, what the Attorney-General's statement should have said was not the incorrect assertion that the bill does not limit any human right but that the bill does not unreasonably limit any human right and is therefore consistent with section 7(2) of the charter.

I make this point to illustrate that if the Attorney-General himself cannot properly understand and report in terms of his own charter, how can he expect the rest of the community to benefit from and to cope with the enormous and unnecessary bureaucracy and regulation that is being imposed by the charter? I certainly hope the Attorney-General, if he is fair dinkum about his charter, will at least comply with it himself and will perhaps in the light of his own experience with it rethink what burden he is imposing on the community as a whole.

In relation to the content of this bill, the Attorney-General pointed out in his second-reading speech that the nature of the legal profession has changed over the years, and that is certainly the case. Those of us in this place who are lawyers can probably think back to the time when we started our articles or otherwise entered into the legal profession.

Mr Ryan interjected.

Mr CLARK — As the Leader of The Nationals says, for some of us that is a long time ago. This is particularly the case in respect of city-based firms. When I started articles a substantial sized, city-based firm might have had perhaps a dozen or so partners; now the number of partners in a city-based law firm can run into the hundreds. We have also gone from state-based law firms to law firms running across most states of the nation in combined practices, and, of course, with the increasing globalisation in international trade and commerce, law firms are increasingly opening international offices. So there needs to be an accommodation for that and a response to that.

The situation that applied in the past where a member who was admitted to practice in Victoria had to fly to Sydney to be admitted in New South Wales, fly to Perth to be admitted in Western Australia et cetera would be absurd to continue, so over the years there have been increasing moves to enable easier reciprocal recognition of interstate practitioners and to develop a national model of the legal profession that is as far as possible consistent. This national model was

implemented some years ago. It had a range of provisions which were designated as core provisions which everybody was expected to implement in their own jurisdictions. It had another range of standard-form drafting, if I could put it that way, which were designated as a non-core provisions that individual jurisdictions were able to take up or not as they saw fit. That has been a big move in the right direction, and in most respects this bill makes further improvements along that line, and the opposition certainly does not take any exception to those provisions.

However, there are a number of provisions in the bill that do cause some concern, and I will come to those. I should say that in the course of our consultations the opposition sought input from bodies including the Law Institute of Victoria (LIV) and the Victorian Bar Council. The Victorian Bar Council in the end decided that there was no comment it wished to offer on this bill. Nonetheless we express our appreciation to the bar council for its attention to and consideration of the bill in response to our request.

The law institute similarly considered our request, but it did provide some comments on the bill, and we appreciate those comments. The institute highlighted its concerns about measures that have also separately caused concern to us on our own examination of the bill. These are provisions that relate to various aspects of how the rendering of legal costs and the accountability of law firms for legal costs is handled.

The law institute said:

> The bill introduces the concept of 'third-party payers' and sets out the rights of these persons to disclosure and to apply for assessment of costs. Clause 48 of the bill provides for disclosure to an associated third-party payer, but only to the extent that details are relevant to the associated third-party payer. We are of the view that there should be an additional provision that disclosure should only take place to the extent that client confidentiality is preserved.

On that matter I think the institute raises a very valid issue that needs to be considered. It is a balancing act here. On the one hand, if a third-party payer such as a borrower takes on under a contractual arrangement with a lender an undertaking to pay the lender's lawyer's legal costs, that is the contractual obligation they undertake, but they are entitled to expect that those costs should be reasonable costs, and it would be unfair or onerous to put them in a position where because they did not have a direct relationship with the solicitor they had to pay whatever bill the solicitor rendered. Of course they already would have the right to object to that under their contractual arrangement with the lender. This bill seeks to give a borrower in this circumstance some direct rights in relation to questioning the lender's lawyer's legal costs. But the precise mechanics and dynamics of how that is going to work out in practice is something that does need some thought, and in particular this aspect of confidentiality raised by the law institute needs some thought.

The law institute's letter goes on to say:

> The LIV also has concerns regarding clause 55 of the bill that requires a law practice to comply with a request for an itemised bill within 21 days. The LIV considers that this period of time is too short, particularly where the bill relates to a 'no win–no fee' or other matter where the professional costs are to be paid on scale. The time required to prepare this type of bill may be much longer, particularly if the matter is large, complex or has been active for a number of years. Workers compensation or personal injury matters often fall within these categories.
>
> As failure to comply with clause 55 of the bill would lead to a conduct violation, the LIV believes that the provision should be workable in a practical sense. Under the current Legal Profession Act 2004 no time limit is provided for a practice to provide an itemised bill; however, the Professional Conduct and Practice Rules 2005 do provide that a practitioner must comply with a request made within 60 days. The LIV suggests that a similar approach be adopted.

This concern raised by the institute about this aspect of the bill has been reinforced from points that have been made with me by someone who is actually operating in the area of practice of a costs lawyer — in other words, as a qualified lawyer her professional work is to prepare the itemised bills of costs that can in some circumstances be required of lawyers.

I should make the point for people who might think, 'What is the big deal about a lawyer giving a decent breakdown of their legal expenses when a client wants them?', that an itemised bill is in fact a highly technical requirement that goes into minute detail about every step along the way that a solicitor has taken in working on the matter for the client. It needs to list every phone call and every letter that is written on the client's behalf. It is based in part on the length of the letters concerned, the duration of the phone calls and the time taken in various attendances and conferences — in other words, it is a difficult, expensive and demanding exercise to prepare an itemised bill of costs, which is why many lawyers do not prepare their own itemised bills of costs when they are required to. They bundle up the entire file and send it off to a professional costing firm to do it because it is so onerous.

That of course means there is a cost involved that one way or another ends up being paid by the clients of lawyers, so we need to think that this is not just a matter of making sure lawyers give clients a decent explanation of their bills. We need to think in terms of: is it a reasonable burden to impose on legal practice and

therefore a reasonable additional cost to have flow through to clients of lawyers generally? Is it a fair and reasonable impost on what is often a small business seeking to render a service to the public without being tied up in excessive government red tape?

The costs lawyer who approached me flagged this issue about producing the itemised bill of costs within 21 days. She pointed out that usually the work of preparing an itemised bill is best allocated to costs specialists so that lawyers get an independent viewpoint on their fees. This is particularly the case in large matters. She pointed out that clients are protected when there is a delay, in that a law practice cannot commence legal proceedings until a review is conducted. There is also the factor that the bill needs to be carefully done, as solicitors cannot amend their bills without the leave of the court, which would only be given if there is a mistake.

She also pointed out that bills can amount to many hundreds of thousands of dollars and that bills in excess of 100 pages are not uncommon. She made the point that in Victoria there is only a finite number of costs lawyers available — around 30 — in Victoria to do the work and that, although there is no penalty attached to the clause, failure to comply with the requirements of the act can lead to unsatisfactory professional conduct allegations and lawyers would be saddled with such a possible consequence.

There are justifiable grounds for concern about the reasonableness and practicability of requiring law firms to provide itemised bills of costs within 21 days. In large matters, as I have indicated, these bills could be very long indeed, and it takes an enormous amount of work to prepare them. Twenty-one days is a very short period of time, particularly where, if the client wants a review, the lawyer cannot commence legal proceedings until the review is conducted anyway, so the client's position does not seem to be prejudiced by some reasonable amount of delay.

The other aspect of this issue that needs to be questioned is the proposal to allow a client up to 12 months to seek a review of a lawyer's legal bill. Of course there needs to be a reasonable period in which clients can consider and form a view and perhaps speak to others as to whether a bill that a lawyer renders them is fair and reasonable or whether it is perhaps over the top and excessive and something ought to be done about it. But a year is a very long period of time in this context, and it would be particularly concerning — and I hope the Attorney-General or others who speak on the bill will address this point — if this 12-month window of opportunity meant that a client who wished to escape their obligations to pay their legal bill in effect had a 12-month delay before they were obliged to pay.

Will a lawyer be in a position to commence legal proceedings to recover a bill if a client just does not pay it until 12 months are up, or is the lawyer at risk that, if the lawyer threatens or commences legal proceedings against a client who has reneged on their obligation to pay for the services provided to them, that lawyer will find that the client simply then calls for a cost review, takes up to 12 months to do it, so the lawyer is stymied and prevented from recovering their money until that period has elapsed? If that were the case, that would be an incredibly unfair burden on many small businesses and many businesses of other sizes that have done the right thing and rendered services to their clients and then found that the client is using a legal device to renege on paying the bill. As I said earlier, if this happens, it is not just a cost that is suffered by the law firm concerned; it is a cost that directly or indirectly is going to flow through to other users of legal services, and the recalcitrant and dishonest client is going to pass on the cost burden to the honest client who does the decent thing and pays the bills for the services that have been provided to them.

These are serious matters that we believe need to be addressed in relation to this legislation. I should make the point that this is not about saying that lawyers should have any freedom whatsoever to either overcharge their clients or fail to make proper disclosure to their clients about either what bills they are going to incur or the nature of the bills that have already been incurred. Our side of politics has a proven record of being very stringent and tough in cracking down on that sort of disgraceful conduct by lawyers.

Our side of politics established the legal ombudsman, Ms Kate Hammond, who was incredibly diligent in ensuring that lawyers lived up to the obligations of providing a high standard of service to their clients and doing the right thing by clients. It is not a question of whether or not people should be allowed to get away with overcharging or non-disclosure — they most emphatically should not — it is a question of what is the best way to go about stopping those practices and ensuring a fair outcome both for clients and for law firms and an efficient outcome that does not unnecessarily tie up the legal profession with red tape.

We have heard the current government making a great deal about avoiding red tape, and we have had the Treasurer make boasts about offsetting every piece of new red tape with removal of some other piece of red tape. We have certainly had no disclosure from the government about what piece of red tape it is going to

remove in order to offset this new red tape it is going to impose on the community. We need to think very carefully about the merits and justification for this additional red tape that has been imposed by this legislation.

The opposition does not oppose the bill, but we flag those concerns because, if these provisions are not carefully thought through, they can not only fail to render justice to clients, they can impose enormous additional expenses on the legal profession and therefore on clients generally.

I should make the additional point that, while these provisions arise out of some of the provisions of the national model for regulating the legal profession, they are part of what I referred to earlier as the non-core aspects of the national legal regime — in other words, Victoria is not under any obligation to implement these provisions as a result of the national model. The national model has some template or boilerplate provisions that we can consider and adopt or not as we see fit. I think there are some serious concerns about the provisions I have raised, and the opposition certainly hopes the government will give further consideration to these matters either in the course of this debate or while the bill is between the houses.

Mr RYAN (Leader of The Nationals) — The Nationals do not oppose this legislation. However, I would like to make some comments about its content. The structure of the bill has two essential components, one being with regard to those that are of national significance and are part of the overall approach being adopted across Australia through what is colloquially termed 'model legislation', and therefore having application across all jurisdictions. Then there are those that apply from a Victorian perspective. The model legislation has continued to evolve. The Victorian Legal Profession Act was passed in December 2004. It was model legislation based around the creation of a national regulatory framework for legal practitioners across Australia. As I said, what this bill does is provide amendments to that framework and then at some specifically Victorian-related issue.

The growth of legal practice and the way in which it is conducted has, of course, been extraordinary over the past couple of decades. We have gone from a stage, as we have in so many other forms of enterprise, of practising the law in a localised, regional geographic sense to the point where we now cross borders regularly, and indeed we do so internationally. It is truly a global enterprise, and legislation has to keep up with the way in which practice is conducted, and in many respects it has to be ahead of it. Therefore the overall principle of having model legislation designed to accommodate the contemporary manner in which legal practice is conducted throughout Australia and globally is a principle which The Nationals strongly support. There are, however, elements of practice referred to within this bill in relation to which we have cause for pause.

I take up a point made by the member for Box Hill relating to the way in which the Charter of Human Rights and Responsibilities is making its presence felt with regard to the government's own legislative program. It seems to me that the government has not come to grips with the way in which the charter is operating. It is ironic, particularly in the context of this bill, because both the legislation now being debated and the charter come directly within the purview of the Attorney-General. In the course of the debate held in this place over the last couple of days on the Infertility Treatment Amendment Bill we saw that commentary came from the Scrutiny of Acts and Regulations Committee which highlighted the fact, in my opinion, that the government has simply not come to grips with the import of its own legislation in relation to the charter — and here we see it again.

The Scrutiny of Acts and Regulations Committee now has imposed on it two sets of criteria by which it has to do its job. The first of those is set out under the Parliamentary Committees Act, where the terms of reference are specified that deal with the rights and associated issues that are defined within that act. Now the committee must consider the issues set out under the terms of the charter. The committee is obliged to report to this chamber on both aspects of what are now its areas of responsibility.

It is as to the second aspect that the government is falling short, and we have seen it again here, I suspect for the reasons which have been sent out by the member for Box Hill. It is important that the Attorney-General in particular hones the way in which he does what he is required to do in this place with regard to both aspects of his responsibilities which now are being demonstrably shown up by the reports that are coming here from the Scrutiny of Acts and Regulations Committee.

As to the elements of the bill which are of an Australia-wide perspective there are several matters which are the focus of the legislation. Previously an interstate practitioner had to give the Legal Services Board notice of the fact of establishing an office in Victoria, with such notice to be provided within 28 days of that event. Notice will now only be required if a practitioner is authorised to withdraw trust money

in any jurisdiction in which that practitioner is working, and, of course, this will assist the firms that are involved in interstate work.

It will be of great assistance to those that are practising on the border between any of our state jurisdictions, but from our point of view particularly between Victoria and New South Wales and Victoria and South Australia. I am sure this will be a great source of relief to the member for Murray Valley who has been a great driver in providing solutions to these cross-border anomalies. I know he has taken a keen interest in this particular aspect of the legislation. It is a welcome initiative on the part of the attorneys-general across Australia, and it will make a significant difference to those firms that are involved in that style of practice.

As a next point, there were previously restrictions on government lawyers working across different jurisdictions, and again there is an amendment here to accommodate that issue. Those who have been working without a practising certificate in their own jurisdiction for government purposes will now be able to do so across jurisdictions. Another amendment deals with a legal practitioner being required to advise a local regulatory authority of any orders that are made interstate affecting their practising certificates, and any disciplinary action which has been taken against them overseas. A further amendment deals with making it simpler for information-sharing arrangements between Victorian legal profession regulators and those in other jurisdictions. Again that is to do with contemporary practice where we need a capacity on behalf of the regulators in the different jurisdictions to be able to communicate having regard, I might say, to the requirements of privacy laws in their various forms.

There is a further provision dealing with foreign lawyer registration requirements. They will be relaxed to enable international practitioners who are here for up to 90 days in any 12-month period to be able to practise here without having to register with the board. They will have to register if they become a partner or a director of a local legal practice, and again this is intended to assist with the global nature of legal practice to which I have already referred.

Furthermore, foreign lawyers will be required to notify the Legal Services Board of any regulatory action taken against them in their home jurisdiction. This is a necessary element of what is intended under our current forms of practice, because the board needs to be given appropriate notice if it is that there are those who are seeking to practise within our jurisdiction who have a track record of not having conducted themselves in a manner appropriate within the jurisdiction in which they usually work.

There are further amendments restricting and regulating the manner in which trust accounts are operated — for example, that there be no cash withdrawals, no automatic teller machine usage and no telephone banking. These are things that will accommodate contemporary business practice while striking the balance over the all-important use of trust accounts. Historically there has been a drive on behalf of the Law Institute of Victoria and regulatory authorities generally to ensure that all appropriate measures are taken to protect the position in relation to trust accounts. The actual work of solicitors is extraordinarily sensitive in this regard. People literally trust a solicitor to look after their funds, and it is necessary therefore that appropriate standards are adopted which will accommodate the best possible forms of practice to make certain, as best one can, that the trust is given effect and that those moneys are preserved.

There are amendments which also clarify the application of trust fund provisions to incorporated legal practices and multidisciplinary practices. I think that element is also important because it must be remembered that the way in which legal practice has evolved over these past couple of decades is significantly different to what it was years ago. I refer to what has happened in country Victoria. We have seen enormous change in the way in which legal practices conduct business in country Victoria.

I was a partner in a country firm based in Sale for 15 or 20 years. We had practices in Bairnsdale, Orbost and Lakes Entrance. At one stage we also had an office in Traralgon. Our legal practice had a broad reach right through Gippsland. What became apparent when I joined the firm, dare I say it, back in the 1970s was that people in our community wanted more from the way in which our legal practice, as it then was, operated. They saw the presence of the practice as being a focal point for activity within their respective communities. By dint of that drive from the community, our practice, Warren Graham & Murphy, evolved markedly over the course of the years. Historically we had had a strictly legally based practice — that was what we did — but in the mid-1970s we moved to a position from which we established a solicitors mortgage investment company.

That occurred because people in Gippsland had been finding that, having lodged money with the local branch of whatever might have been the financial institution in their area, they would go down a couple of weeks later to try to borrow money for local development and would not be allowed to do so. They had found, of

course, that the money they had lodged in their local country branch had been TT'd, as was then the practice — that is, telegraphically transferred — down to Melbourne and was busily being borrowed to build a block of flats in Brighton or somewhere. We needed to establish a process whereby country people could have equitable access to financial services in a manner which enabled growth in the country to occur.

A solicitors mortgage investment company, Gippsland Secured Investments, was established by our firm, and it has continued to flourish. When I left the firm in about 1992 I think the deposits in its finance arm were about $12 million, and only recently the organisation celebrated having deposits in excess of $100 million. The critical thing about this is that this money was then able to be used under extremely stringent conditions — more stringent than those of the major banking system — as a basis for an enormous degree of development right through Gippsland. In my time with the organisation — I was a director of that finance arm — we were able to act as a catalyst for projects such as the canals development at Paynesville, which has in turn spawned a huge amount of growth through that region.

I emphasise that we acted in concert with others, working particularly with local estate agents King & Heath and benefiting from the foresight of a director by the name of Chas Heath. Our own people, such as Murray Graham, Milton Murphy, Ian Campbell and Tony Stewart — who was then a partner and after years away has reacquired an interest in Gippsland Secured Investments — also had the foresight to see that you could manage these financial resources, which were raised by our having a legal office attracting clientele with the deposits making all this possible, in a manner that was in the best interests of country Victoria, and in this instance of Gippsland.

The canals development was commenced at Paynesville, and if you go back 20 years you would probably find that we had about fifteen 20-foot tinnies moored in Paynesville — that was about the extent of the fleet. Now there is about $250 million worth of boats moored there on any day of the week. That has happened because of the explosive development that has occurred subsequently in a variety of other spheres. We saw that play out in subdivisional development and in a variety of other ways. The manner of Metung's restructuring over the years has come about because local funds have been available through Gippsland Secured Investments in particular and, with the passage of the years, through other sources as well. This has enabled that sort of industry to develop.

Developing a legal firm into a significant financial player in the region was an important stage of its development. It happened in other areas as well. In accounting and other forms of associated activity, the legal firm assumed the position of a real focus of development throughout Gippsland at large. This legislation is looking at mechanisms whereby in contemporary terms we can ensure that we keep up with the way those forms of conduct continue to develop and evolve. That is very much in the interests of all Victorians, but it is particularly important from a country Victorian perspective.

I pause to pay due regard to John Stephenson. John has recently retired as the manager of Gippsland Secured Investments. He was its business manager for many years — 20 years plus. This is a man who took a pivotal role in the development of the organisation and also has a proud history of service to the community through education, tertiary education in particular. I know that he formed a close professional working association with the former education minister in this place. He was also a leader in local government as well as in business. To this day he is driven by his passion for the constructive development of the Gippsland region, to which he has contributed much. He was justifiably recognised in the honours list this year. I take the opportunity to pay regard to the great contribution John has made to Gippslanders.

The need for legislation to be able to reflect contemporary life is very important, and never more so than in the case of the legal profession. To this day the profession continues in country contexts to be a focal point of community activity. To this day there is an enormous amount of pro bono work undertaken by country firms on behalf of the people within their respective communities. I have talked about this from a Gippsland perspective, but it does not matter whether you go to Ballarat or Bendigo, out to Warrnambool or Shepparton or Mildura, or up into the north-east and the Wodonga region: wherever you might go the same story is told. I believe the legal profession can very proudly hold its head up as being one of the great contributors to the way in which our country communities function.

From a Victorian perspective there are other amendments of note in this legislation. The member for Box Hill has referred to the amendments concerning costs. I echo his sentiments about the necessity for striking the right balance here. Of all the areas where there is contention in relation to legal services, it is probably true to say that the most prominent and most predominant is in relation to the issue of costs. Of course anybody who is a service provider must be able

to justify his or her costs of service — it is a fundamental principle of doing business — but the technicalities and the actual mechanisms whereby legal services are developed differ in so many respects from other forms of business, and it is important that the legislative regime reflects and recognises that as an issue.

In a sense I am airing my ignorance about the effect of this legislation, but that is why we need to be sure that the impact of this legislation will not result in solicitors who have provided the services being strung out by people who want to use the amendments to effectively enable them to avoid having to meet their obligations from a commercial point of view. It would be a tragic state of affairs if, for example, the amendments now before the house could effectively be used by a person who knew full well that he or she was going to have to pay the money in order to delay paying the money for reasons which had nothing to do with the merits but rather were simply to do with wanting to preserve his or her cash flow, therefore doing so unfairly.

Legal practices are no different than any other businesses: they have to have their cash flows and they are entitled to be paid according to the work they do, even if the money is held in escrow, or something of that sort. That might be a way through it, if indeed what I am postulating could be the case, but I hope to hear from the government that my fears are unfounded. There are other, relatively minor amendments within this legislation, but overall we think it is worthy of the needs of the profession in this day and age and looking forward. Accordingly the legislation is not opposed by The Nationals.

Mr LUPTON (Prahran) — I am pleased to be able to rise to make a contribution to the debate on the Legal Profession Amendment Bill and to indicate my support for it. The bill comes before the Parliament as a result of an ongoing process that commenced with the Standing Committee of Attorneys-General back in 2004, when it was agreed by the attorneys in the different Australian jurisdictions that work should proceed at a national level to implement national model provisions governing the legal profession through the various states and territories in Australia. Victoria, particularly under the leadership shown by the Attorney-General in our state, has played a leading role in the implementation of the national model provisions.

A memorandum of understanding was entered into back in 2004 between the attorneys, and that led to the first model bill being developed. Victoria played a very important role in developing that process too. Back in 2004 we legislated for the national model provisions to be implemented in Victoria, and that legislation came into effect in 2005. As part of that ongoing process there will from time to time be agreed amendments and updates to that national regulatory model so that the continued development of the national legal profession can proceed in an orderly and uniform fashion. Some parts of the national provisions are designated as uniform core provisions, and other aspects may be left up to individual jurisdictions to decide upon. I will comment on the uniform core provisions in addressing some of the remarks that have been made by the opposition to date.

The amendments that we are dealing with in this amending legislation can be grouped under three key themes. The first of these is achieving national consistency in the legislative framework, and that goes to a basic understanding of the work of the national model. It is about achieving national consistency in the regulation of the legal profession and how the legal profession interacts with the various parties and clients who deal with it in Australia.

The second key theme is about improving consumer protection. An important part of the regulation of the legal profession is that those people who are clients of lawyers in this country are protected as consumers. They must be able to operate in a system where they can ensure, firstly, that the profession is regulated in a proper manner so that appropriate professional standards are maintained and, secondly, that the more readily comprehended consumer aspects of the provision of a service, particularly the nature of costs and how they are justified, are appropriate and satisfactory.

The third key theme that the bill deals with is about reducing the regulatory burden on legal practitioners who work across jurisdictions. When we consider the way in which the legal profession in Australia has developed over recent decades, we know that many solicitors and many barristers operate in more than one state or jurisdiction, and many Australian law firms operate on an international basis. Making sure that those who are operating across jurisdictions do not have unnecessary and inappropriate regulatory burdens placed upon them, which really only go to increasing the cost of doing legal business, is an important part of setting up a competitive national regulatory system.

This legislation is a result of that ongoing process of consultation and deliberation through the Standing Committee of Attorneys-General. There has also been significant consultation with the various representative bodies of the legal profession, particularly here in Victoria. Those bodies include the Legal Services

Board, the legal services commissioner, the Law Institute of Victoria, the Victorian bar, the Federation of Community Legal Centres and the Supreme Court. Overall there is absolutely solid support for the legislation we are proposing the house pass today.

I note in that regard that in an article in the January/February 2007 edition of the *LIJ* the chief executive officer of the law institute, Michael Brett Young, stated:

> The Victorian government is leading by example when it comes to introducing legislation designed to promote the national profession.
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> …
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> The Victorian government and state Attorney-General Rob Hulls are to be congratulated on having embraced national consistency in legal profession legislation.

I think that accurately sums up the way this government has approached this important regulation of the legal profession. I reiterate my appreciation of the way the Attorney-General has approached this task.

Members opposite have mentioned a couple of matters of concern, and I will touch on them in my remarks, in particular the requirement in the legislation that an itemised bill of costs be delivered within 21 days and the extension to 12 months of the time allowed for an application to be made for a cost review by the taxing master. I advise members opposite that both those matters fall within what are regarded as the core uniform provisions of the national model. As such they are being instituted across the different jurisdictions in Australia. They form part of the core uniform provisions, and it is important that the different jurisdictions — Victoria, New South Wales and others — operate on the same basis as far as those time lines are concerned. New South Wales has already enacted those provisions, and we are following on according to the national agreement.

An itemised bill of costs comes after a lump-sum bill has been rendered to a client. The first bill a client gets is a lump-sum bill. If the client is not happy with that bill and requests an itemised bill, the provisions of this legislation require that to be provided within 21 days of the request. It is important from a consumer protection point of view to understand that a proper and appropriate costing process needs to be gone through by the lawyer before a lump-sum bill is rendered to a client. It is part and parcel of the consumer protection element of this legislation that we will protect consumers by ensuring that when a lump-sum bill is rendered it is rendered on the basis that the solicitor has done a proper job in terms of appropriately working out what those costs are. Clients currently have 30 days to request an itemised bill after receiving a lump-sum bill, but under the current law there is no requirement for a law firm to provide this itemised bill within a reasonable time frame. I think this national approach will strike the right balance in relation to those matters.

The extension to 12 months of the time limit for a cost review application before a taxing master falls into a similar category, and we believe it also strikes the right balance. I do not believe these matters will result in the stringing out of cost applications and arguments. It is important that we put some stringent time limits into this legislation to shorten the time in which arguments over costs happen and resolve matters more quickly and more appropriately in the interests of all parties. For those reasons, and for all the other reasons I have mentioned, I commend this bill to the house.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until later this day.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL

Second reading

Debate resumed from 28 February; motion of Ms PIKE (Minister for Health).

Ms WOOLDRIDGE (Doncaster) — The opposition opposes the Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill. The reason we oppose this bill is that it will result in a decreased focus on the issue of drug abuse and less money going to the drug and alcohol sector. Now more than ever is not the time for the government to take its eye off the ball in relation to drug use and abuse in our community.

The purpose of the legislation is to repeal part X of the Drugs, Poisons and Controlled Substances Act. This will result in the abolition of the Drug Rehabilitation and Research Fund (DRRF) and the transfer of the money in that fund into the Consolidated Fund. The government's aim, although unspecified, is presumably to tidy up and simplify. Governments often want to abolish small funds and shift those moneys into consolidated revenue, arguing that administrative time and energy are saved. But given the current alarming levels of drug use, the government's poor track record in drug rehabilitation and research, a history of low transparency and secrecy, and several issues relating to

the new, decreased amount of funding, the opposition has major reservations about this bill.

The bill seeks to amend two pieces of legislation. Clause 3 of the bill will repeal part X of the Drugs, Poisons and Controlled Substances Act 1981. Clause 4 will amend that act by inserting a new section 141. This section will mean that on 1 July 2007 the Drug Rehabilitation and Research Fund will be closed and all money in that fund will be paid into the Consolidated Fund. Clause 5 will repeal section 157(10) of the Confiscation Act 1997, which makes provision for money that is realised under a confiscation order made under the Crimes (Confiscation of Profits) Act 1986 to be paid into the Drug Rehabilitation and Research Fund. Clause 6 makes a minor statute law revision to section 71D of the Drugs, Poisons and Controlled Substances Act.

The establishment of the Drug Rehabilitation and Research Fund was a forward-looking initiative of the Thompson Liberal government. It was set up to collect fines and assets confiscated as a result of drug-related crime. The then Minister of Health, Bill Borthwick, stated at the time that these moneys would be used 'for the purpose of helping drug addicts'. The purpose of the fund was both practical and symbolic. The Liberal government's explicit intention was to link the profits being made through drug crime to the treatment and rehabilitation of drug-dependent persons. Mr Borthwick said that:

> … those persons who it can be proved have been involved in drug trafficking will be made … to contribute directly towards the cost of caring for and treating their victims …

The fund that Labor seeks to abolish established a symmetry, forcing those who had gained significantly through the peddling of human suffering, family breakdown and death to make a contribution to those who had been wronged. Interestingly it should be noted that when it comes to the issue of separate funds being set up specifically to deal with drug abuse the Labor Party has not always whistled today's tune. With a young son at home I have had a lot of time to kill in the wee small hours of the morning in recent months, something I am sure many honourable members would know about all too well.

The other week I was roused at an uncivilised hour and decided to go through a few old Labor Party press releases — my own particular form of sleep therapy. I came across one that interested me in particular. On 3 June 1996 the then Leader of the Opposition, now the Treasurer, put out a statement outlining the Labor Party's response to the Penington report. The Labor opposition leader called for the establishment of a community drug education and treatment fund — sound familiar?

The fund would, identically to the Drug Rehabilitation and Research Fund, collect the proceeds of fines and confiscated profits from drug offenders and — again identically to the Drug Rehabilitation and Research Fund — would finance education programs, counselling services, treatment programs, research and other initiatives. The then Labor leader said that the fund was a 'vital component of a comprehensive strategy to tackle drug abuse'. According to the Treasurer a separate fund to collect and distribute the proceeds of drug-related crime is a vital component of the comprehensive strategy to tackle drug abuse, but according to the Minister for Health today such a fund represents only a minor irritant to be abolished altogether.

Here we have an example of Labor's 'moral manoeuvrability' — to borrow a line from Sir Humphrey Appleby. When the Labor Party was in opposition it wanted transparency, but now in government it has forgotten its previous and admirable position. Now with its hands on the Treasury coffers, dodging such accountability has become the order of the day. This new potential for decreased transparency is of major concern to the opposition. The DRRF — as I will call it — was a good mechanism for making sure that drug-related fines were actually directed back into treatment in that sector. With this legislation the potential for the government to quietly and in secret cease the funding of organisations benefiting from the DRRF will be created. I have grave doubts about the longevity of the funding that has previously flowed from the DRRF.

Now more than ever drugs are a huge problem in the Victorian community, but Labor thinks it has done well. The Minister for Mental Health recently said that 'since coming to office the government has made major inroads in addressing the misuse of alcohol and tackling illegal drugs'. The clear implication is that business as usual will do the job. I could not disagree more. Now is the time after more than seven years of Labor Party neglect to draw the line in the sand.

On the eve of its possible extinction, I think it is important to look at the areas the act sought to address through the fund. Firstly in the area of prevention, section 126(2)(f) of the Drugs, Poisons and Controlled Substances Act states that funds will be directed to purposes in connection with the control and prevention of drug abuse. Today's statistics paint a bleak picture. The most recent Department of Human Services data shows that there are almost 5000 drug-related deaths in

Victoria every year, accounting for 15 per cent of all deaths. In 2004–05 there were over 75 000 drug-related hospitalisations; there were more than 12 000 arrests for consumption or provision of illegal drugs in 2004–05; and last year just under 400 000 Victorians used cannabis. Alarmingly, over 114 000 people used methamphetamines in that time frame; 64 per cent of young Victorians have recently drunk at risky levels; 26 163 drivers recorded a blood alcohol reading above .05 per cent in 2004, which is up 61 per cent on the previous year; 64 per cent of drivers involved in serious or fatal road injuries recorded blood alcohol readings above the legal limit; and in 2005, 16 per cent of newly diagnosed AIDS sufferers were intravenous drug users.

Now is the time to act seriously on drug prevention, not to remove funding to the black hole of consolidated revenue, where the government does not need to justify its performance against specifically identified areas such as the prevention of drug use and rehabilitation.

Rehabilitation has also been a key focus of the DRRF. Section 126(2)(a) of the Drugs, Poisons and Controlled Substances Act states that moneys from the fund should be directed to organisations involved in the rehabilitation of drug-dependent persons. Under Labor, drug rehabilitation programs have been poorly funded and not provided with the government leadership necessary to respond to the ever-changing nature of drug trends. A major problem which the sector has long wanted rectified is Labor's rigid funding model. Currently drug treatment centres are funded for only a certain number of episodes of care, but this measure is obscure and of little relevance.

The department has conceded that there is a problem. In the new blueprint for alcohol and other drug treatment services the department stated that a review of episodes of care in 2002 found that the understanding of the measures was weak. But more than five years on little has been done. The government has even stated that debate continues as to 'what tool constitutes an effective measure of client outcomes'. This of course is bureaucratic code for the obvious. The entire sector thinks that the way Labor funds drug treatment programs is rigid and outdated. The Victorian Alcohol and Drug Association, the peak body representing alcohol and drug services in Victoria, has recently listed the issue as the first of five key concerns. The problem with an inflexible funding model is that the sector cannot respond quickly to emerging trends, the most notable of which has been methamphetamine or ice.

Section 126(2)(d) of part X of the Drugs, Poisons and Controlled Substances Act states that funding will be directed to research into drug addiction and the treatment of drug-addicted persons. The excellent reports prepared by the Drug and Crime Prevention Committee have consistently appealed to the government to invest properly in research. Every report since Labor came to power has recommended further research, but these recommendations have been routinely snubbed.

A vivid reminder of this was the response to the *Inquiry into Strategies to Reduce Harmful Alcohol Consumption*, which was tabled in September 2006. To recommendation 17 — that the government decriminalise public drunkenness — the government replied that further investigations were required to assess the complexities of the issue. This response is remarkable, because no less than five years earlier the same committee made exactly the same recommendation — exactly the same! But this government has clearly not looked into the matter; it has carried out no research into this important public health issue.

Section 126(2)(b) of the principal act states that moneys from the fund will go to the development of drug education programs. It is true that the Labor Party loves a glossy brochure and an expensive and high-tech advertising campaign, but those in the field advise me that those kinds of broad measures are rarely effective. The federal government has pumped millions into school drug education — $47.5 million nationally since 1999 — but primary responsibility rests with the state. It is time for Labor to stop basking in the glow of commonwealth dollars and step up to the plate with a well-researched plan to provide targeted and high-quality drug education for our kids. Funding from the DRRF could contribute to this. There is also a pressing need to monitor drug education, as was recommended in 2003 by the Auditor-General. As usual, the Labor government is yet to act.

Part X of the Drugs, Poisons and Substances Act also stipulates that the DRRF should finance measures concerned with the enforcement of the provisions of the act. Despite this emphasis, Victoria Police is underresourced and our enforcement regime and prison system are ill-equipped to deal with the scope of drug-related crime. The prevalence of people with ice psychosis is increasing, but those in our front-line services have not yet had adequate training to deal with this challenging and violent group. Methamphetamine produces feelings of invincibility and violent psychosis is often a side effect of using it, but our police, ambulance workers and emergency service department staff have not been trained effectively in how to deal with this uniquely challenging threat.

While those with responsibility for enforcing the act have not been provided with the effective means to do so, our prison system needs more help as well. Prisons should be places where drug-addicted people can receive valuable treatment and rehabilitation that improves their health and reduces the rate of recidivism. On release, drug users need assistance to access treatments, lest they instantly fall back into old patterns of behaviour. The statistics show that that assistance is not being given. Data from the Department of Justice shows that around two-thirds of prisoners reported that their crimes were related to their drug use. That climbs to between 80 and 90 per cent for subsequent offences. So the case to better treat drug users in prison and beyond is not one of purely individual welfare; it is also about the welfare of our society. If more is not done in this regard, recidivism and drug-related crime will remain at levels unacceptable to our community.

Labor's poor record in the areas that the DRRF was set up to bolster is something of great concern to all Victorians. Labor's proposal to abolish the fund is indicative of the arrogant sentiment that the government has done its job and need not focus on the important areas of prevention, rehabilitation, education and enforcement. Even a brief look at Labor's track record shows it to be true that the neglect has become entrenched and the political will for real reform is non-existent.

Another major concern of the opposition with this legislation relates to the associated appropriation adjustment put into place, as referred to in the second-reading speech. As the fund's income has come from drug-related fines, its balance has naturally fluctuated from year to year. The minister's office has informed me that its distribution in 2002–03 was nearly $2.5 million, in the following year it dropped to $500 000, in 2004–05 the figure rose to $1.2 million and in 2005–06 it fell slightly to $897 000. Under the government's plan this fluctuating amount will be replaced by a set figure of $830 000. My concern is that this amount is substantially less than the average of the DRRF's balance in recent years, which over the past four years has been almost $1.3 million. Why is the government proposing to provide compensation of more than $400 000 less than it would have been on average if the fund continued?

In addition police are always improving their methods of detecting drug dealing and trafficking, and as they do so it is foreseeable that the state's income from drug-related fines will actually rise. Under this new arrangement even if the revenue from fines moves to above $2 million, as it did in 2002–03, the amount that will be paid out to organisations previously benefiting from the DRRF will remain the same, at $830 000. In fact the minister has failed to confirm the indexation of these moneys. If not indexed, the money will move from being stingy to being absurdly so in a very short time. Interestingly, as mentioned earlier, the Treasurer called for more, not less, money for a fund such as this.

It is also notable that over recent years more than $4 million has been written down from this fund in doubtful debts. It seems quite incredible that more than $4 million worth of fines would be issued but not collected. There must be a proper mechanism to appropriately enforce fines in and of itself and also so that programs for the drug and alcohol sector in Victoria could have access to a significantly higher level of funding. These issues regarding Labor's proposed future funding approach are numerous, but the heart of the matter is that this bill means that less money will go to the drug and alcohol agencies to address drug abuse.

I would like to take a minute to talk about the groups that are currently funded through the DRRF and, as committed in the second-reading speech, will continue to be funded into the future. Members of the house should be aware that only a matter of a few weeks ago, when I first made contact with these groups, no government consultation whatsoever had taken place, which is a reflection of the type of open and transparent relationship that this government has with the groups in the drug and alcohol sector that it funds.

Firstly, the Mirabel Foundation receives $25 000 a year. Mirabel is the only organisation in Australia that specifically targets the needs of children who have been orphaned due to their parents' drug abuse. Mirabel's intensive program for high-risk youth, which is funded through the DRRF, is the only one of its kind. A significant amount of one-on-one time is spent with young people to ensure that they are linked to positive and worthwhile activities in their community.

The Rock Eisteddfod Challenge receives funding of $70 000. Rock eisteddfods are 100 per cent drug, alcohol and tobacco-free events. They are also raise awareness about the health issues associated with drug use. The program has received government funding since 1989, which is a good recognition of the worth of those events. The money is used primarily to subsidise ticket prices for the parents of the 3800 students who take part.

The Association of Participating Service Users receives $120 000 per year. APSU is an advocacy service that seeks to give voice to those who have experienced

addiction. Funding is incredibly important to the group, as APSU gives a voice to those who often go unheard. Finally, the parent support program funds four community organisations to run programs for parents with children on drugs. All of these are very worthwhile community-run programs.

Aside from these groups, the majority of the DRRF funding has gone to another fund, the Victorian Law Enforcement Drug Fund, which was established in 1992 to fund law enforcement programs. It is administered by the Department of Justice and receives $513 000 per annum. A problem with Labor's handling of the fund is the curious lack of any funding round since August 2004. The minister's office tells me that this is due to a review of the guidelines and criteria, given a low level of suitable applicants in a previous round. This is strange, as I am constantly being told by high-quality groups in the sector that funding is inadequate and that they would apply if only there was any more money. Despite the fact that the review commenced in 2004, it is yet to be finalised, so only a fraction of the fund's income has been distributed in recent years. Three years is an exorbitant length of time to wait. All the while the fund should have been financing important enforcement programs.

Also, in recent years, according to the minister's office, a significant portion of funding has gone from the fund to programs run by the police. While I am sure that they are valuable programs, this is just a case of the government funding itself, to the detriment of innovative ideas from the drug and alcohol sector. On the one hand you have wonderful community groups working extremely hard and making a real difference for children, young people and families with drug problems — and for some it is in very small amounts, such as the $25 000 for the Mirabel Foundation — and on the other hand you have a government that cannot get itself organised to hold a grant round for three years. I call on the minister to rectify this situation with the Victorian Law Enforcement Drug Fund immediately.

The government says that it will continue to fund these groups into the future. Even if this Treasurer and this Minister for Health are good to their word, they will not be around forever — indeed the Minister for Health may not be around much longer at all. There is nothing to stop the next Minister for Health or the next Treasurer from terminating the fund. Rather than dumping the money into consolidated revenue, so that no-one will know how much is going in or how much is being spent, the minister should honour a completely open process. There are many groups of outstanding quality in the drug and alcohol sector and many groups with fantastic ideas and programs which desperately need funding. The minister should acknowledge the expertise of those in the field by allowing an open process, considered by an independent panel. This would be in contrast to the current situation of sole ministerial discretion, funding rounds not having occurred in three years and the government seeing it as a mechanism to fund itself.

The substance of this bill is a reflection of the government's lack of commitment to drug policy and its intention to decrease funding to the drug and alcohol sector. Rather than having a decreased emphasis on the issues of drug and alcohol abuse, concerted and ongoing reform is necessary in all the areas which the DRRF was initially set up to finance. In treatment and rehabilitation, the current funding model needs flexibility to aid the sector in responding to ever-changing drug trends. Research needs to be finally made a priority and recommendations in this regard from the Drugs and Crime Prevention Committee need to be taken seriously. Preventive measures must be fundamentally re-geared to deter people from using drugs and to people to get off drugs. High-quality, closely monitored, school-based drug education should also be made a priority.

As I said earlier, Labor's abolition of this fund is suggestive of the view that the government has succeeded in these areas, but the reality is that there is much more work to do. Mums and dads are lying awake at night worrying about their children using drugs. When thousands are using, putting themselves at risk and dying from drugs each year, this is not the time to reduce the focus, reduce transparency and reduce funding by moving money from fines into consolidated revenue and abolishing a dedicated drug fund. Rather we need government leadership on drug issues, including an open and transparent process and a genuine commitment to support new and innovative ideas for combating the challenge of drug use in our communities. It is for all these reasons that the opposition will oppose this bill.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on this very important bill, the Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill. I start by saying that the impact of illicit drugs, as well as the misuse of pharmaceutical drugs and excess alcohol consumption, is a major concern for all of us. As a member of The Nationals representing country Victoria this issue concerns me greatly, particularly as country Victoria is going through a major drought, which is having a huge impact not only on the finances of country Victorians but also on their mental health.

This bill must be scrutinised very carefully. As we know, it has two main purposes. One is to close the Drug Rehabilitation and Research Fund, or DRRF, and the other is to provide for the transfer of all DRRF moneys standing in credit to consolidated revenue. I have consulted widely on this matter, including with the Mirabel child-parent support foundation, the Victorian Alcohol and Drug Association (VAADA), Odyssey House and many others.

The Nationals will be opposing this legislation. DRRF has historically received two forms of revenue — revenue from fines collected in relation to drug-related crime and revenue from asset confiscation relating to drug-related crime. The amendments in the bill close this fund and transfer the other money. We have been told that the fund still has about $530 000 in credit. It amazes me, given the drug problems we have in Victoria, that we still have $530 000 in credit.

The Nationals were also told at the briefing — and I thank the department for the briefing it gave us — that $820 000 has been put into the forward estimates for this year's budget. As we know, a range of education and prevention initiatives have been sponsored by this fund, whether they be the rock eisteddfod, the Mirabel Foundation child-parent support service or other support programs. Like the member for Doncaster — and I congratulate her on her presentation of the background to this — I was given a list of the groups that have been funded by DRRF. Like the member for Doncaster, I also have concerns.

The major recipients of the funding include the Rock Eisteddfod Challenge, which has received $70 000, and the Mirabel Foundation, which has received $25 000, and four other groups have got roughly $24 000. The interesting thing is that the Victorian Law Enforcement Drug Fund has received $513 000. To me that seems like moving funds out of the health area in order to support the police force, which has obviously run over budget and is looking for any way to make up for the overrun.

I am concerned, as is my party, that we will lose the limited transparency we now have in relation to a lot of the support that is given to community groups and other organisations to support people with drug and alcohol problems. The Nationals believe that the money going to DRRF should be increased annually, at least in line with the consumer price index, and that moneys should be put into other funds to support drug and alcohol research and rehabilitation programs.

I want to thank my colleagues, whose input into the bill has been enormously supportive to me. I also want to thank the many others whom I have spoken to about the bill, particularly those who work in the drug and alcohol area in supporting our communities. Like the member for Doncaster I was amazed that many of them were not aware of the changes proposed in this bill. Many of the organisations, even the ones that are funded by DRRF, were not aware of these changes. So much for this government's openness, transparency and consultation. We in The Nationals have been getting increasingly concerned about this government's lack of openness and transparency. The bill gives us no joy. It shows no sign that the government is improving. In fact under this bill there will be less openness and transparency.

Drugs affect not only the people taking them but also their families, friends and the community. Drug-related crime has increased enormously in the last 10 years. I turn to a press release I picked up from VAADA.

Ms Morand interjected.

Mr DELAHUNTY — I will give you a copy if you want it. It urges us to 'get serious about crime and drugs', and I quote:

> If the major parties bothered to look beyond the current election bidding war about getting tough on crime and increasing police numbers, they would know that the most effective way of making the community a safer place is to deal with drug problems …

The press release goes on to say — and I will not read out all of it:

> … at least 60 per cent of prisoners have a drug and alcohol problem …
>
> …
>
> drug treatment is a proven way to produce real savings to the community in reduced crime, health costs, stronger families and increased productivity.

Many of the organisations that work in the drug field feel that more funds and more support need to be given to those types of people. I am sure all members get a copy of *VAADA News*. VAADA does a lot of good work in the area of drug and alcohol rehabilitation.

Its objectives for 2007 are in five broad areas: funding models and partnership issues; the service system; workforce development; specific workforce issues; and issues relating to the consultation process. All of those rely on getting support from the community and, more importantly, the government. VAADA is a small group that operates out of Collingwood. I understand it has about three effective full-time workers, so it is a very small organisation that does a lot of good work in

research and with others in the community. This organisation was not aware of the changes.

In discussions with VAADA I found it still believes there is a major drug and alcohol problem in Victoria. It works with other agencies, but it believes we need to develop action teams to do more work across Victoria, particularly around Melbourne. I understand from discussions with it and other organisations that there are about 107 agencies and services funded by Department of Human Services supporting groups within Victoria. Yet we see very little transparency in relation to the way they are funded. There is a greater need for residential care, withdrawal programs, outreach programs, day programs and programs working with our Koori community. More work needs to be done with mobile overdose programs and particularly with family rehabilitation.

A couple of years ago we had a major debate on drugs. I consulted widely with people and families who were affected by drugs. I was amazed that we were going to go down the track of giving people easier access to illicit drugs, but there was very limited support for those people who wanted to get off drugs. They just could not find facilities available to help them and their families. This government was going to make it easier for people to get onto illicit drugs. I found that obnoxious and did not support it. In the last seven years there has been a growing drug problem. I know a lot of work has been done, but more work needs to be done. It is still a growing problem.

Organisations like VAADA and others must be supported in working not only with individuals but also with families. We must trial new and innovative approaches particularly with people coming from ethnic backgrounds with language barriers. It is often termed in the industry the cold area. People such as the Vietnamese and Lebanese who are new to Australia must be given greater support. I am aware that Centacare Catholic Family Services does a lot of good work, but health in prisons is a major concern for a lot of people in our community. There must be more project funding to support these groups to work in many areas.

I have also contacted the Mirabel Foundation, which was also not aware of the changes. Mirabel provides research, advocacy, referral and very practical and emotional assistance to children whose parents have died or who are affected by substance abuse. The foundation supports children up to 17 years of age. It aims to improve a child's future by restoring their sense of self-worth to enable them to reach their full potential. Many children, in fact hundreds of children from many cultural and various socioeconomic backgrounds, are being supported by Mirabel. Our youth are our investment in the future. This group does a great deal of work and must be congratulated for particularly supporting our youth who are our future. This organisation and others like it need more support, not less, from this government.

I know this bill has been on the notice paper for some time, but I noted with interest that the member for Prahran raised the issue of funding for Mirabel and the fact that it is not enough, is insecure, not recurrent nor indexed. I am pleased he raised this issue last night in the adjournment debate and that the government through the Minister for Children responded by saying there will be recurrent and indexed funding given to Mirabel. The government has taken one step forward in relation to that matter.

I also spoke to Odyssey House Victoria. This is the largest drug treatment service in Victoria. I believe 80 people work in Melbourne with people involved with drugs, whether they be singles or couples, and particularly with young people. I want to focus my comments today on where it operates in country Victoria. As I said, the people in country Victoria who want to get off drugs have very limited opportunities for services and most of the time they have to travel to Melbourne. The member for Benalla is in the chamber and I thank him for his support and his input into my presentation today; he is a very good member for that area. I have also received support from the member for Shepparton and Damian Drum, a member for Northern Victoria Region in the other place.

Molyullah, near Benalla, was opened two years ago to work with people who are affected by drugs. My understanding is it can take up to 12 people in short-term programs. It was opened two years ago, but unfortunately through lack of funding it closed after eight months. It was opened again six weeks ago not through support from the state government but from the federal government. That is a real blight on this government which says it is doing work in relation to drug support, particularly those affected in country Victoria.

With support from the federal government it was given six months funding to start up again. There are 12 people there at any time for a six-week program. Unfortunately the staff are on only six-month contracts because funding will run out at the end of that period. There are 16 people on the waiting list today. The demand is continuous and growing. It is a very successful program. Molyullah has the runs on the board. It is a small team doing short-term programs, but

importantly it is getting results. If after the six-week program people need more assistance, unfortunately they often have to go to Odyssey House in Melbourne where there are more staff and facilities. As I said, it is a very successful program. Why does this government not fund this type of program?

I am aware that Damian Drum, The Nationals member for Northern Victoria Region in the other place, the member for Shepparton and the member for Benalla are doing work in this area. I believe they will be going out to meet these people again to try and highlight the importance of these programs, not just to the community, which needs support, but importantly to the government.

These types of programs are having a far-reaching impact in country Victoria and need support. It will be an absolute tragedy if the programs are closed again. I call on the Parliamentary Secretary for Health, the Minister for Health and other members on the government side to take some interest in this program, particularly in country Victoria.

I have just been appointed to the parliamentary Drugs and Crime Prevention Committee. The committee published an interim report on its inquiry into the abuse and misuse of benzodiazepines and other pharmaceuticals drugs at the end of the last Parliament. I have been to only a couple of meetings at this stage, but last Monday the committee met with some people who unfortunately have been affected by pharmaceutical drug misuse. I have found it a very interesting committee to this stage. I was interested to look at the foreword to the interim report written by Johan Scheffer, a member for Eastern Victoria Region in the other place. The foreword says in part:

> The committee has received considerable evidence indicating that there are serious gaps in knowledge about the extent and consequences of prescription and pharmaceutical drug abuse in Victoria.

The meeting last Monday with the people who have been affected by the misuse of pharmaceutical drugs was very interesting and enlightening and also very emotional. Importantly, it highlighted to me that there are issues not only with illicit drug use but with the misuse of pharmaceutical drugs. We need more research and more support not just from the government but from community groups, volunteer groups, business and so on. We must address this issue, because the impact of drug and alcohol misuse is a real scourge for our community.

As I said, this affects not only the people involved but also families and communities. I do not think there is anyone in the chamber who would not know someone or have been touched by someone who has been affected by the misuse of drugs and the overuse of alcohol.

The Nationals have many concerns about these issues, yet we are seeing the closing of a very important fund, the Drug Rehabilitation and Research Fund, which has done a lot of good work, as highlighted by the member for Doncaster. Importantly we will lose the little transparency and openness we had in relation to not just this fund but the work done in drug and alcohol research programs. For those reasons The Nationals will oppose the legislation.

Ms MORAND (Mount Waverley) — I rise in support of the Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X.) Bill. This is a very straightforward bill that seeks to close the Drug Rehabilitation and Research Fund. In closing the fund the bill makes administrative changes to ensure that the programs funded by the DRRF are ongoing. With all due respect to the member for Doncaster, she should not have concerns about this bill. It is a simple bill, and she is reading far too much into a simple administrative change. I can assure the member that the programs currently funded by the DRRF will be ongoing.

I am a little surprised and disappointed by the approach that the member has taken in speaking about this very important community issue. As a shadow minister it would be preferable if she took a collaborative approach to addressing this important issue to the community. Instead of her using emotive and political rhetoric in talking about this issue, I think we should talk about it together. If the member wants to take that approach, the government will always respond in the same manner, but I would have preferred a collaborative approach on this issue.

Both the member for Doncaster and the member for Lowan spoke about the DRRF as if it were the only funding source for drug prevention and rehabilitation services. This serves their political argument. The fact is that this government has put an additional $255 million — I repeat, an additional $255 million — into the Victorian drugs strategy since it came to office. The opposition is talking as though we were cutting funding and services. The government has increased funding by $255 million, and $120 million of that $255 million is allocated specifically for prevention and treatment services. There has not been any reduction in services but instead a very significant increase in the funding of treatment services. Both members spoke about organisations not being aware of the changes. The changes will not make any difference to the

funding of their organisations and will have no impact on their services.

I will provide some background to the operation of the Drug Rehabilitation and Research Fund. It was established through the Drugs, Poisons and Controlled Substances Act and started to collect revenue in 1983–84. DRRF funds have been allocated each year at the discretion of the Minister for Health for activities relating to drug prevention and education, information dissemination, treatment and rehabilitation programs, research, enforcement of the act and the control of drug abuse. The funds are held by the Department of Justice and transferred each year to the Department of Human Services. As part of the 2005–06 budget process there was a review of the hypothecation arrangements. The review recommended the closure of the DRRF. The closure of the fund will result in revenue from the fines collected in relation to drug-related crimes flowing into consolidated revenue instead of the fund, effective from 1 July 2007.

The Drug Rehabilitation and Research Fund has historically received two forms of revenue: fines relating to drug-related crime, and the revenue from asset confiscation relating to drug-related crime. As a result of the introduction of the 1997 Confiscations Act, on 1 July 1998 the DRRF no longer received revenue from asset confiscations. The only source of revenue now is from the fines imposed in respect of drug-related crimes.

The proposed amendment will result in the revenue from the fines collected in relation to drug-related crime flowing to consolidated revenue. Money held in the DRRF varies from year to year, depending on the levels of fines imposed. As I said, the funds have been allocated each year at the discretion of the Minister for Health, and they have funded a range of education and prevention initiatives. This includes matching the commonwealth's funding of the Victorian Law Enforcement Drug Fund (VLEDF), which supports a range of crime prevention measures through the Department of Justice. This perhaps provides a good example of the logic for changing the administrative arrangements.

The funds collected from the Department of Justice go to the Department of Human Services and are then allocated back to the Department of Justice, which does not make sense. Other annual allocations include the sponsorship of the Rock Eisteddfod Challenge, and the Mirabel Foundation child-parent support program, which other members have already spoken about. An appropriation adjustment of $830 000 per annum will take effect from 1 July 2007. The Victorian Law Enforcement Drug Fund, matched by commonwealth funds, will be allocated $513 000; the Rock Eisteddfod Challenge, $70 000; the parent support program, $95 940; the Mirabel child-parent service, $25 000; and the Association of Participating Service Users client advocacy program, $120 000.

I want to say a few words about the programs funded by the Victorian Law Enforcement Drug Fund. The fund was established in 1992 to fund drug-law enforcement programs as a result of the commonwealth-state agreement to fund such programs. The fund is administered by the Department of Justice. Seed funding is provided by the VLEDF for projects that target one or more of the following areas: alcohol and drug-related crime and violence; illicit drugs and law enforcement; correctional services and juvenile justice; and research and evaluation related to drugs and justice issues.

All projects undertaken by the VLEDF are complementary to other measures undertaken in Victoria concerning health, crime and violence prevention, and harm minimisation through education. In the past, applications for funding have been invited at least once a year, and I want to talk about a few of the projects that have been approved in the past few years. They include an assessment of illegal drug use in Victoria for the Victoria Police Drug Squad; a drug awareness strategy for the Victoria Police corporate planning and review; a study of prescription forgery and fraud for the Pharmaceutical Society of Australia; a study of collaboration, care and innovation by the department of criminology, University of Melbourne; a study of the Asia Pacific Federal Bureau of Intelligence by the Victoria Police corporate policy planning and review unit; and many other worthwhile projects.

The Rock Eisteddfod Challenge, one of the initiatives funded through the Drug Rehabilitation and Research Fund over a number of years, is a unique and exciting opportunity for schools to take part in a dance, drama and design spectacular. It is also a proven health promotion concept that encourages students to do their best without drugs, alcohol or tobacco. It is about encouraging students to have fun and enjoy a drug-free experience. Research has shown that the event builds resilience and raises awareness of the health problems associated with substance abuse. Because of the small amount of time I have left I am not going to go into detail about the other programs that have been funded through DRRF, except to say that each and every one of them will continue to be funded under the new arrangements.

In summary, this is a very straightforward bill. Those programs will continue — there is no question about that — to be funded at the same amount they have already been funded for. That is very straightforward, and I am very happy to support the passage of this bill.

Mrs VICTORIA (Bayswater) — The Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill seeks to abolish the somewhat small fund called the Drug Rehabilitation and Research Fund, commonly known as DRRF. This fund has injected as much as $2.458 million per year into organisations delivering specific drug prevention and research. The annual average in the last four years has been $1.272 million. This bill proposes that the revenue derived from the proceeds of drug-related crime — formerly the exclusive income for DRRF — be pooled into the Consolidated Fund. It is further proposed that the Department of Human Services appropriate the annual sum of $830 000 for programs previously funded by the fund.

On many occasions I have spoken in support of tidying up excessive bureaucracy, and I understand that this is the superficial intention of this legislation. However, there are several questions which remain unanswered, even after departmental briefings. When I asked the departmental representatives if the amount was indexed, they said they did not know. There is no mention of indexing the $830 000 in either this bill or in the minister's second-reading speech. This astounds me. On an almost daily basis we read in the newspapers and see on the television the rise in drug use. We also see increased rates in crime and an undeniable link between the two. Why then is this government proposing to reduce funding to projects specialising in research and prevention? Why would we even consider this amendment and a closure of the DRRF in its current state if it means diminished funding to these worthwhile bodies? The more drug-related crime increases, the more money the current model receives. But the Labor government is capping the resources to a sector actually working towards reducing drug usage and education.

Current research in Australia and in the USA, as reported in the *Journal of the American Medical Association*, shows that people under 17 using cannabis are twice as likely to go on to use heroin and an astounding five times more likely to use hallucinogens like LSD. In research by Dr Denise Kandel from the department of psychiatry at Columbia University in New York it is shown that programs designed to prevent or stop the use of lower stage drugs also seem to stop or reduce the use of higher stage drugs. How then can we vote to hamstring those trying to keep our children from going down this path? Is prevention not better than cure?

There are three hardworking police stations that service my electorate of Bayswater. They are trying to keep abreast of the increased prevalence of drugs and are making more arrests on drug-related crime than ever before. If this is true, would the DRRF not receive additional funds from increased fines? The four or five providers that stand to benefit from the fund will find themselves severely short of money in the coming years. Surprisingly, the minister, who chose to name two of these providers, has since declared that another three intended recipients will share the proposed $830 000. What happens if a fantastic new program for prevention is developed? What happens if proven resources from overseas are offered to this state to help our youth? Where will they turn for funding assistance?

One other thing that dismays me about the abolition of the DRRF is that the affected agencies and the drug and alcohol sector have not been consulted by this government prior to the amended bill being drafted. As the mother of a young child I want a well-informed government making these sorts of decisions, not one that is willing to turn its backs on experts. I oppose this bill.

Debate adjourned on motion of Mr WYNNE (Minister for Housing).

Debate adjourned until later this day.

MAJOR EVENTS (AERIAL ADVERTISING) BILL

Second reading

Debate resumed from 18 April; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Mr R. SMITH (Warrandyte) — I rise to speak on the Major Events (Aerial Advertising) Bill, and I note and thank the minister for his presence in the house during my contribution. Although I support this bill, I do have some concerns, and one of them relates to its overall intent. I believe this legislation could set a precedent by allowing certain corporations or even individuals to buy airspace. The bill enables those wishing to advertise to effectively restrict the use of airspace by others. It implies that airspace has become a commodity to be sold to the highest bidder. Airspace has always been sacrosanct and federally controlled, and in my opinion this path needs to be trod very carefully.

The bill also states that at prescribed events, aerial advertising should not be able to be within sight of the specified venue — within sight meaning that the content can be seen by the human eye without aid. My personal experience whilst attending various major events in our larger venues is that seeing with the human eye can on a clear day equate to in some cases up to a 30-kilometre radius around the venue. This is an extremely tall order for compliance, and the difficulties in policing it will be enormous.

Turning to some specifics of the bill, I recently received an email expressing further concerns. It is from an aerial advertiser, Mr Ian Robinson, who is the manager, owner and chief pilot of Skysurfers Pty Ltd, a company that engages in the practice of towing banners behind planes or skywriting. He would like to draw our attention to the definitions specified in clause 3 of part 1 of the bill, and he points out that it says that aerial advertising includes skywriting or sign-writing, so we are all confident that skywriting is part of aerial advertising.

Clause 10 in part 3 of the bill refers to commercial aerial advertising. The concern is that the bill does not adequately define commercial and non-commercial advertising. The example given by Mr Robinson in his email is that a message saying 'Happy birthday' or 'Marry me' or something of that nature is technically a commercial job because the operator has received some payment for it. He understands that the intent of the bill may be that private jobs can still be carried out, but as the bill is written it is not clearly defined. Acting on behalf of Mr Robinson, I would like to request that the minister include a specific definition for commercial aerial advertising and a specific clause detailing that personal and private-type skywriting messages do not require any authorisation.

In addition to this Mr Robinson has clear questions about the viability of his business going forward, and I would think other similar businesses would have similar concerns. I am told that fully 50 per cent of Mr Robinson's business is derived from advertising at many of the major events. The viability of this business going forward as a result of this bill is in serious question, and as Mr Robinson resides in the electorate of Hastings, the very capable member for Hastings and I would be keen for some guidance from the minister regarding the future options for the livelihood of this businessman.

Further concerns I have deal with the matter of enforcement. The bill has provision concerning enforcement in clause 19 of part 5, which says:

> (1) The Secretary may appoint a person to be an authorised officer if the person —
>
> …
>
> (b) is a person who the Secretary believes has the appropriate skills, knowledge or experience to be appointed as an authorised officer …

Nowhere does it state what qualifications or professional expertise an authorised officer must have, nor does it stipulate that their background and training should be in line with the duties with which they are charged. There are inherent problems when unskilled personnel are sent out in the field, and in the past we have seen in the papers examples of transport inspectors, for instance, who have perhaps been a little heavy handed in their tactics with the public. This is an issue which rightly needs to be dealt with in the interests of the safety of the public as well as the personnel.

Another right prescribed in the act deals with search warrants. Increasingly the right to apply for and execute a search warrant seems to be falling on various government departments whose staff may not be equipped or trained to do that. This matter was referred to by the member for Bulleen earlier in the debate. Not only am I concerned that someone with limited training in enforcing a search and seizure warrant may be put in a vulnerable position, but likewise the person upon whom the warrant is served may also be put in that sort of situation. The premise that one's home is one's castle has long been upheld as a right, and I am uneasy about having members of the department running around executing search warrants on businesses. I believe these sorts of actions can erode this premise.

I support this bill, but I would urge the Bracks government to take a long and hard look at the way it increasingly wishes to encroach upon our daily lives in the manner in which search and seizure powers are given to arbitrarily appointed officers.

Mr PANDAZOPOULOS (Dandenong) — I want to congratulate and commend the Minister for Sport, Recreation and Youth Affairs on the bill and commend the Premier for his decision to go down this road. In the last seven years, including in my time as a minister responsible for major events, aerial advertising has become a much bigger issue for those involved in events. Victoria is the major events state, and we are the ones who have to tackle these sorts of issues. Government does these sorts of things with reluctance, and only when there is a clearly defined need.

This bill is not about reducing innovation in the aerial advertising industry. We have seen a lot of innovation

in that area, but what the government wants to do is to stop the freeloading. When government is an investor in major events and many other businesses are investors as corporate sponsors, other advertisers choose to freeload off their good work — it is often deliberate where there are sponsor arrangements — and there may be a particular promotion in areas where the major event does not want it. For example, at the grand prix for many years — and Ron Walker is very concerned about this — not only were there ambush advertisements against sponsors who were actually coughing up their own dollars to supplement the cost of the event, which we all enjoy, but we also had aerial advertising promoting brothels right above the grand prix. The sponsor value of an event can be undermined if we do not do anything about aerial advertising. Not only at the grand prix but also during the Melbourne Cup carnival residents were complaining about aerial advertising that they thought related to the event when in fact it was outside the control of the event.

The reality is that the government owns the risk of major events. We have $50 million-odd a year that we put into major events, and if we do not create an environment that ensures that sponsors want to be in that market and support major events to an appropriate financial value, the reputation of our major events and the brands we have established at our major events, all our efforts and our collective performance and enthusiasm for the major events industry here in Victoria will be undermined. That is why government has chosen to go down this road. We have been looking at this over a number of years, and the time has come when the government needs to act. I think the comments from the opposition show that it wants a bob each way. It is as if this stuff has never been done before.

We saw with the Commonwealth Games Arrangements Act that this worked extremely well; and we saw with the world swimming championships recently that the provision in that act also worked extremely well. I know that people who freeload on these big public events that are paid for by the taxpayer might not like it, but the reality is that there is heaps of room for them to continue to be involved in major events as sponsors or in picking up some of the sponsor market. If they need to go out there and promote what other sponsors might have, there are many other parts of Melbourne and Victoria where they can go and fly their aircraft.

The most obvious case, of course, was with Holden during the cricket. The reality is that it does undermine our reputation. Let us not underestimate how important major events are to the reputation of this state as well as its economy. Growing major events is a $1.2 billion industry. Victoria is the only state that has so many events throughout the whole year, running as a calendar, and we can even have them concurrently. One of the things that is very important as part of that is having a strong sponsor market. If we start losing sponsors, there is no doubt that we will start losing major events or will have to start coughing up even more dollars to enable us to keep them. This is about doing the right thing by sponsors and doing the right thing by the taxpayer who invests in these events. It is giving guidance to those in aerial advertising about what the rules are. From my discussions with people in aerial advertising in the past I know that predominantly they would rather have no regulation, but if the government sets a level playing field, they will abide by it, and if there are no rules, they will live by no rules. If there are rules, they will live by those rules, so long as those rules are reasonable.

I think this bill is a great balance. We have seen it work with other major events. I commend the sports minister and the Premier on this initiative. There is no doubt that our reputation for performance with major events — and this is really about our capability — is that we know how to run them smoothly, we get good crowd attendance and we know we can get good economic value. Many of our businesses in this field now trade around the world. Look at businesses like Clean Event, which is involved in the Beijing Olympics and was recently at the Doha Asian Games and out at Wimbledon. That shows the local creativity and knowledge about how to put event infrastructure together.

This is part of the evolution that comes from our doing the right thing and making sure we continue to maintain and enhance our reputation, which is the key part of all that. I commend the bill to the house.

Debated adjourned on motion of Mr HODGETT (Kilsyth).

Debated adjourned until later this day.

ROAD LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 15 March; motion of Mr PALLAS (Minister for Roads and Ports).

Opposition amendments circulated by Mr MULDER (Polwarth) pursuant to standing orders.

Mr MULDER (Polwarth) — There is an agreement on time in relation to this bill in order to give various members the opportunity to speak, particularly on clause 16 as it affects their electorates.

Clause 16 basically deals with the Southern and Eastern Integrated Transport Authority being given the status of a referral authority for an additional 200 metres beyond the extended project area. A number of members of Parliament whose electorates are along that particular corridor — the EastLink project — are gravely concerned about this additional power being granted to SEITA. They see that this will be an intrusion by this authority into their backyards and into their businesses, and another layer of red tape. We hear the government continually talking about doing away with red tape and yet here, as a result of this bill being brought before the house, we have this authority being given an extraordinary power to interfere with what people may want to do with their properties, their homes, their backyards and their businesses. There is also an issue in relation to developments which may occur that this authority may not agree with, and I am talking about facilities such as park-and-ride facilities.

We know SEITA is there to facilitate the EastLink project. We know it has a very strong relationship with EastLink itself, and that in itself puts fear into the minds of the people who live along that corridor. You could have no greater example of that than the matter that I was recently invited out to investigate at the invitation of Peter Nash and Lindsay Glen. I visited the wetlands and inspected an area that concerned residents in relation to a gap in the noise walls along a section of the toll road. During the inspection residents stated how disappointed they were that SEITA had successfully made an application to VicRoads on behalf of EastLink to have the traffic noise reduction policy altered for those noise walls. On other toll roads if noise from a freeway or a tollway rises by 12 decibels and the previous level was below 50 decibels, as it is in Vermont East, a noise wall must be built. So you can imagine the concern that these particular residents have when the authority has taken up and sided with EastLink against the residents over an issue they consider to be extremely important and which impacts on their amenity.

This bill gives EastLink more power. You have to ask the question: given the fact that EastLink and SEITA worked hand in hand after the government announced its intention to put tolls on that road and to sell the toll road project to a community that did not want tolls, what will they do with this additional power?

The second-reading speech talks about the government being concerned about developments within the immediate area of the tunnels — 200 metres of the extended project area within the area of the tunnels. That is what the bill states it is primarily for, but it could be for anything along the entire length of the project. In discussions with the minister over this I have said that this needs to be specific. We cannot hand an authority like this carte blanche power over everyone's backyard along the entire stretch of this particular road project. We talk about doing away with as much red tape as possible, yet the government is prepared to climb on board with the authority which has asked for this additional power.

The members whose electorates are affected by that will speak on this further, but what I am saying to the minister is, 'Would you please contact Peter Nash? Would you please contact Lindsay Glen?'. This would be a great example of the minister being able to say, 'You have nothing to fear because we are a government prepared to listen and to work with you. You have nothing to fear from this power'. I believe the minister should do this between now and the next sitting — or when this bill goes before the upper house — to put on record his government's commitment to do something for those residents, to tell them that they have nothing to fear and to tell them that the government is not working hand in hand with SEITA against them. He should say, 'We are here to represent members of the community'. It is a great opportunity and I believe the minister should take it up.

I will go on to a couple of other aspects of the bill. It amends the definition of 'trip' on EastLink. The current definition of a 'trip' is an 'uninterrupted trip'. This amendment allows for someone to travel along the entire length of the EastLink project for a period of an hour. They can go on and off the road as many times as they like and it will still be considered to be a trip. We support that; we think it is good. We think it is good for the people who are going to use the road. Of course it will give them an opportunity to sit down, have a cup of tea and contemplate how they should never have been paying a toll, or even contemplating the issue of a trip. Nevertheless we see it as some form of a concession.

The bill also deals with the issue of interoperability between CityLink and EastLink. Currently CityLink has interoperability arrangements with interstate toll roads. This will enable EastLink to enter into interoperability arrangements with CityLink and for them to collect roaming fees on behalf of one another. That means you will need only one transmitter in a car; you will not have to get another transmitter when EastLink comes on board with the toll road. Of course

that will make it a lot easier, I imagine, for both the operators and the people who wish to travel on both CityLink and EastLink.

It is interesting to look at a media release on the matter put out by the Minister for Roads and Ports which states:

> The government always said that the tolling systems on EastLink and CityLink must be interoperable, which means that drivers will not need to open separate accounts …
>
> If a driver has a CityLink tag, it will work on EastLink. If a driver has a tag for use on EastLink, the tag will also work on CityLink.
>
> Motorists will only need one account for use on Melbourne's road network, whether they choose to have a tag or video account.

It is interesting. The current Minister for Roads and Ports is a former chief of staff to the Premier, who was once — believe it or not — a shadow Minister for Transport. Someone once said to me that great minds think alike, but I will demonstrate that that is possibly not the case. I have in front of me a media release from the then state opposition dated Wednesday, 26 July 1995. It is headed, 'Eastern suburbs to pay toll', and it states:

> Motorists in Melbourne's eastern suburbs will be vulnerable to tolls once electronic transponders are fitted to cars and trucks, the state opposition said today.
>
> The acting shadow transport minister, Mr Steve Bracks, said the Kennett government would be able to use CityLink transponders costing between $30 and $70 to impose tolls on the Eastern Freeway.

What an absolute hypocrite! Can members believe that? It continues:

> 'The Premier has said that every motorist wanting to use the South Eastern Arterial and Tullamarine tollways would have to have an electronic transponder fitted to their vehicle', Mr Bracks said.
>
> 'Mr Kennett has also said that tolls could be imposed on any new roads, as well as any roads were improvements are made. That puts the Eastern Freeway next in line for the Kennett government's tolls', Mr Bracks said.

He was totally and absolutely against tolls in those days. It continues:

> Mr Bracks said the only way for people in the eastern suburbs to be immune from tolls was to vote Labor.

That was today's Premier in 1995. He went on to say:

> CityLink tolls on the South Eastern and Tullamarine tollways will be up to $3 each way, which will add up to $1500 a year to householders' bills.

I think that is very close to what has been the impact of EastLink being turned into a toll road after the Premier promised that the road would never be tolled. But I think his closing statement in the media release is a pearler. He said:

> And, to add insult to injury, every time Victorians pay a toll the profits will go to the French who want to detonate nuclear weapons in our backyard.

This is the now Premier of the state who made those comments in 1995. I just wonder how his negotiations are going with Connex and Yarra Trams at the moment in terms of the renewal of the franchise agreement, given he had such a strong stance against the French in 1995.

Other provisions in the bill deal with the issues of persons nominated as a driver of a vehicle which has received an infringement notice and who disputes that nomination whereby the 12-month period for bringing a prosecution restarts, and also the introduction of written statements versus statutory declarations. This issue of signing a statutory declaration whereby a false declaration becomes an indictable matter has been the subject of discussion for some time. This will now become a summary offence which can be heard in the Magistrates Court. I do not know whether this is going to result in more prosecutions; I cannot imagine the courts being clogged up with these types of matters. Only time will tell how many people are detected as a result of false statements.

The other issue relates to the infringement notice dispute mechanism whereby each time someone makes a statement that they are not the driver of a vehicle the 12-month period for bringing a prosecution restarts. I know this has been discussed at length because it provides an opportunity for someone who has perhaps had 9 or 10 demerit points associated with their licence, through a circle of friends or through family members, to continue this rolling process of a new statement to put off the inevitable of being prosecuted and having demerit points against their licence. It could result in a dangerous driver, or someone who is a repeat offender in terms of bad behaviour and speeding, being able to hold a licence. Under normal circumstances that would not be the case. So that is an issue that, from a road safety point of view, the opposition is going to watch and monitor very closely. We will want to know how many of these statements associated with individual infringement notices are being generated and whether or not there is a pattern of people using this process or mechanism to avoid prosecution and avoid eventually losing their licence.

There are a number of matters within the bill we are supporting, but, as I said, the opposition will be moving amendments to the bill. We are very concerned about the power of SEITA, and if our amendments are not accepted by the government we will be opposing the bill. As I said, there are a number of other issues that I am sure the government is very keen to get through and up and running, but giving SEITA a degree of power that lets it poke its noses into people's backyards on a day-to-day basis and interfere with families who live along the corridor is something the opposition does not support, given this authority's history of failing to represent members of the community along the corridor. As I said, we will not be supporting the bill unless the proposed amendments are accepted.

Mr WELLER (Rodney) — This bill is for an act to amend the Road Safety Act 1986, the Melbourne City Link Act 1995, the EastLink Project Act 2004 and the Road Legislation (Projects and Road Safety) Act 2006 and for other purposes. Speaking of road safety, we from rural Victoria would have thought that with this bill the government would have taken the opportunity to address the road toll, which is unacceptable in rural Victoria. Over the last seven years the country road toll has increased. This is quite unacceptable for the people of country Victoria. The national road safety strategy found that improving safety on roads was the single most achievable factor in reducing road trauma; therefore a further investment in country roads and a plan for country roads would have been an appropriate part of this bill. Country Victoria's road and bridge networks are decaying and struggling to meet the needs of modern society. Trucks have become bigger; there is far more production, due to the efficiency of our farming and rural sectors; and when the rains return after the drought the roads will come under far greater pressure with the greater amount of production that will come out of rural Victoria. The roads and bridges will not cope with that.

The Royal Automobile Club of Victoria, an independent body, says that $200 million a year over the next 10 years needs to be invested in roads in rural Victoria to address the backlog so that we can have rural roads that are safer and have better facilities for the people in rural Victoria, Melbourne people and the people from interstate and around the world who come to visit the many tourism areas we have throughout country Victoria. The RACV and the parliamentary committee inquiry into the country roads toll both highlighted serious concerns about the safety and quality of Victorian country road networks. The government was meant to have a plan in place by the end of 2006, and here we are in April 2007 still with no plan.

The bridge network in country Victoria suffers from a backlog which needs to be addressed. Farmers are travelling an extra 50 to 100 kilometres to supply their products to the port, because some of the bridges in country Victoria are not able to take semis, let alone B-doubles. That is creating greater costs for the farming community and making Victoria an uncompetitive state. It goes without saying that if you fix country roads, you will save country lives.

In October 2006 there was an unfortunate accident at Donald, and the Premier made a promise regarding grey spot funding. It was a very good initiative, and The Nationals support this initiative. However, we cannot find out where this initiative has got to. The announcement followed that Donald accident, in which seven people were killed, and the funding was designed to make improvements to dangerous intersections and roads before deaths occurred on them. We supported that idea of investing the cash before deaths occurred; it makes a lot of sense. But since the pre-election announcement, no further details have been released. The initiative has been shrouded in secrecy. Yes, there was an article in the *Wimmera Mail-Times* — —

Mr Delahunty — A good paper.

Mr WELLER — It may be a good paper, and it is obviously a reliable source. But when I followed up statements in it by the local mayor about the funding being available, no other shire was able to tell me how to get information about it from VicRoads or from the minister's office. My office has rung the minister's office, asking where shires can source grey spot funding, and no details are available. The initiative is supposedly included on the website, so we asked for the details to be emailed to us. An email was not forthcoming. What we would ask of the government is to release the guidelines for grey spot funding so that local municipalities can get on with implementing this very worthwhile scheme, a government initiative which The Nationals support.

As this bill also talks about tollways, I should remind the house that in 1999 the then shadow transport minister, now the Minister for Victorian Communities, said the construction of the Scoresby freeway would not be considered during the following four years. The Labor Party was actively campaigning against the Kennett government's plan to extend the Eastern Freeway. After the Labor government got into power, with the state election approaching, the new Premier found the money for the Scoresby freeway and committed to no tolls and no shadow tolls. Then, in September 2002, the Premier said on 3AW:

> We're not going to build projects with tolls, that's our policy, it has been our policy.

The Premier reiterated his commitment in his direct mail election letter to households. In it he said the government would not impose tolls. In 2003, with the state election behind him, he reneged on it. In 2003 he — —

Mr Mulder interjected.

Mr WELLER — What The Nationals will never do is support people who lie to the electorate. We will be open and honest.

In fairness, The Nationals have in the past supported toll roads. We were part of a government that proposed toll roads — and indeed built a very good one. We also were upfront about it. What we do not support is a government telling the electorate one thing before an election and then doing something different afterwards, changing its mind and doing the backflip.

The bill amends the owner-onus provisions in the Road Safety Act 1986 by replacing the requirement for a sworn statement with just a written statement. We support this. It is a very practical thing, and I commend the government for bringing it forward. Rather than having to get a statutory declaration, you can just provide a handwritten explanation of what actually happened. I have been in this situation myself. Being part of a farming business, my father drives my utility from time to time. He was caught driving over the speed limit in Gunbower, and when the letter came to me I did not know that I had actually been in Gunbower! The amendment is quite practical.

But if you do tell lies and give false information, rather than being had up for perjury you will have to come before a magistrate or a police officer. That is also quite a practical move, and it will bring about more prosecutions. It will be a greater deterrent rather than the process of being taken through a trial with a judge and jury. We support things when they are common sense.

Clause 11 of the bill proposes to insert in the Road Safety Act new section 3AC, which states:

> Without limiting the circumstances in which a person is driving a trailer, a person who is driving a motor vehicle to which a trailer is attached is to be taken to be driving the trailer for the purposes of this Act.

That makes a lot of sense. Having driven a lot of vehicles with trailers, I have never had a person sit back driving the trailer separately to the car. It makes sense to assume that the driver of the vehicle towing the trailer is in fact the person driving the trailer. It is a very practical thing to do!

An honourable member interjected.

Mr WELLER — I have never actually seen a trailer go faster than a car. The bill says that they will take the speed of the trailer as the speed of the car, which is very practical.

Ms Pike interjected.

Mr WELLER — Fortunately we farmers are very practical and make sure that we put the thing on right — and it does not come off when you put it on right, I might tell the Minister for Health. These are practical things to have in the bill, and we fully support them.

Clause 13 addresses the issue of double jeopardy. If you are fined for speeding while driving a truck and you are towing a trailer, you will be fined only once for speeding. You will not be fined for speeding with the truck and then the trailer. Not fining people twice for the same act is common sense.

Mr Hudson — Unless the trailer becomes detached.

Mr WELLER — If the trailer becomes detached — —

Mr Mulder — That's dangerous driving.

Mr WELLER — Yes, very reckless, and you should have far greater safety and precautionary measures in place to see that that does not happen!

The bill changes the meaning of 'trip', and like the previous speaker we support this as a very practical thing to do. New section 3(1) of the EastLink Project Act will change the meaning of 'trip' to mean:

> … the driving of a vehicle on EastLink in a single direction through one or more toll zones within the space of a single hour (without repeating a toll zone), whether or not that driving is interrupted by exit from EastLink.

The bill goes on to talk about when you enter and when you leave, and that is also a wise thing to have in here.

New section 125 of the Eastlink Project Act, which is substituted by clause 16, goes on to talk about the referral authority. Rather than needing two e-tags I will only need one e-tag in my vehicle, because the referral authority means that CityLink can collect any tolls on behalf of EastLink and vice versa. That is a very practical thing to have in there, and we support that.

The bill also talks about roaming agreements. These roaming agreements need to be facilitated so that EastLink can collect on behalf of CityLink and vice versa. Also in this bill is a provision that limits how much this can cost. We would not want to see CityLink or EastLink collecting more than was needed for the actual collecting of that money. We would not want to see extra costs built in there to take advantage of the public. That is a very important thing to have in the bill, and I commend the government for putting it forward.

The Liberals have proposed some amendments. I am in full support of the amendment that proposes to omit clause 16. I would not want to see any growth in the referral of powers. The level and the area are appropriate at this stage. We in The Nationals would not want to see the area grow by 200 metres. We see that as a further complication and as something that does not need to happen. The Nationals will support the Liberals on this proposed amendment.

Sitting suspended 12.59 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Human Services: Broughton Hall

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health, and I ask, again: can the minister now tell the house when the Secretary of the Department of Human Services and the director of aged-care services were first advised of the deaths at Broughton Hall, who advised them and how?

Ms PIKE (Minister for Health) — I thank the Leader of the Opposition for his question. I am able to advise him that I, as the minister, the Secretary of the Department of Human Services and the executive director of rural and regional health and aged care became aware of this issue on Saturday, 14 April.

Mr Baillieu — Who advised them?

Ms PIKE — They were advised by officers within the Department of Human Services.

Honourable members interjecting.

The SPEAKER — Order!

Mr Stensholt interjected.

The SPEAKER — Order! The member for Burwood!

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Agriculture will be absent from question time. Questions directed to the Minister for Agriculture will be answered by the Minister for Regional and Rural Development.

Questions resumed.

Roads: tunnel safety

Mr HUDSON (Bentleigh) — My question is to the Premier. I refer the Premier to the government's commitment to ensuring Victoria's roads are as safe as possible, and I ask him to detail for the house the government's response to the Burnley Tunnel accident.

Mr BRACKS (Premier) — I thank the member for Bentleigh for his question. Tragically, on 23 March this year three people died in an accident in the Burnley Tunnel. Before that in the history of the Burnley and Domain tunnels there were something like 13 accidents. It has one of the better road safety records of any tunnel anywhere in the world. The accident proved we have a safe tunnel now, but we must ensure that we have a safe tunnel in the future to deal with the increase in traffic utilising the tunnel system in Victoria.

The Victorian coroner, Graeme Johnstone, is currently conducting a public inquiry into the cause of that accident, and obviously his work will go on. The coroner echoed the comments the government had made: that in the meantime we would seek advice from VicRoads and Victoria Police on any interim measures we needed to take to ensure that the tunnel is even more safe in the future. In accord with that, I am very pleased that the Minister for Roads and Ports has received that advice from VicRoads, Victoria Police and the toll road operators CityLink and ConnectEast, which is building two tunnels in Victoria.

The way people drive in tunnels needs to change. That is obviously one of the key recommendations made to the minister. The biggest risk drivers currently take is weaving through traffic and making unnecessary lane changes. We are now going to implement a range of measures to stop this unsafe driving. Those measures include banning lane changes in Melbourne's four major tunnels — the Burnley Tunnel, the Domain Tunnel and the two new EastLink tunnels once they have been completed and are operational. That will mean when you enter a tunnel you stay in the same lane. That advice will be given early.

There will be a significant public education campaign for existing motorists. We will also change the driver test to include in the application for a drivers licence details on how to drive safely in tunnels, and those questions will need to be answered for successful completion of a drivers test. For existing motorists we will be working with VicRoads, Victoria Police and the two operators of the tunnels to ensure we have a public education campaign and get good and timely information out. As well, advance notice will be given to motorists before they enter a tunnel telling them that once you are in the tunnel you stay in the same lane.

We will also lower the speed limit on the approach to the Burnley Tunnel. As members of this house would know, on the West Gate Bridge the speed limit is 80 kilometres an hour. As you come off the West Gate Bridge onto the West Gate flyover before you get into the tunnel the speed limit goes up to 100 kilometres an hour. As part of this package the speed limit on the extension of the West Gate Bridge and the road before you get into the Burnley Tunnel will also be 80 kilometres an hour. That will enable decisions to be made by motorists in a more timely way and a safer way before they enter the tunnel. If you need to get into a lane before you get into the tunnel, clearly that continuous 80-kilometre-an-hour speed limit will enable that to happen.

We will also install emergency barriers at the entrances to the four major tunnels to stop drivers entering after a serious accident occurs. That does occur in some tunnels in other places around the world, and we believe it can be incorporated quite easily in relation to our tunnels. We will place variable electronic speed signs on the approaches to the tunnels so that more traffic management can occur depending on the traffic conditions. As I mentioned, we will have a significant campaign and a change to the learners permit test.

These matters will be implemented within the next 12 months with an extensive public education campaign. We will also, of course, await the outcome of the coroner's inquest for any further recommendations that might be made. As well, there will be more capacity on the West Gate and Monash freeways with the $1 billion we are spending on the extra lanes and extra traffic management issues with on and off ramps as part of that freeway work. These measures will be implemented before the coroner's recommendations are received. We will also have the improvements happening on the road itself.

I am very pleased that all these measures on the assessment of risk will reduce traffic accidents in those tunnels. They are tunnels which, I should add, are amongst the safest in the world, but they can be made even safer, and these measures will make them even safer in the future.

Industrial relations: Bruck Textiles

Mr RYAN (Leader of The Nationals) — My question is to the minister for state and regional development. I refer to a letter which Alan Williamson, the chief executive of the Wangaratta-based Bruck group, has today sent to the minister regarding the blatant interference by the Attorney-General, his staff and other elements of the government in the collective bargaining agreement process in which Bruck is currently engaged with its employees. I refer particularly to the content of the letter, which says in part:

> I thought ours was a relationship of mutual obligation and respect, which I had taken from our previous meetings. That was until I had a call from your department advising me to fall into line, as it would be unfortunate to see Bruck barred from winning Victorian government business if we were found in breach of the ethical employment purchasing policy.

Did the minister authorise this outrageous and threatening conduct, and in any event, what is the minister going to do to address this appalling display of political thuggery?

Mr BRUMBY (Minister for Regional and Rural Development) — I thank the Leader of The Nationals for his question. I am happy to answer the question, but I am not, of course, the minister for state and regional development. But that does not matter, he can address questions anywhere around the place! I am happy to answer the question. I have not seen the letter. This morning I have been out with the International Congress of Science Journalists. I have taken them on a tour of the Australian Synchrotron, and I have also opened the designEX conference in Melbourne. So I have not seen the letter, and I am not able to comment on its contents.

What I can reiterate is that the workplace rights advocate is an independent position. What I can reiterate is that the Australian Bureau of Statistics regional labour force figures were released today, which show — —

Honourable members interjecting.

Mr BRUMBY — I know you hate this.

The SPEAKER — Order! The minister!

Mr BRUMBY — I tell you what they show — —

Honourable members interjecting.

The SPEAKER — Order! Before calling the minister to continue to answer the question, I know this has been a very long week, more so for some of us than for others, perhaps, but can I remind members that the level of interjection is not acceptable and the lack of respect shown to members in the chamber is not acceptable. I ask all members — opposition members, The Nationals and government members — to show some courtesy to the member who has been given the call.

Mr BRUMBY — What I can say, because the question was about industry and was about jobs, is that the regional — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Nepean.

Mr BRUMBY — Speaker, the — —

Mr Jasper interjected.

The SPEAKER — Order! I warn the member for Murray Valley.

Mr BRUMBY — The ABS regional labour force figures released today show that in country Victoria over the last year the labour force has increased by 5.4 per cent — the best rate of growth in Australia.

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, on the question of relevance, this question is about a major Victorian company being blackmailed by a government, and the minister should answer the question.

The SPEAKER — Order! Raising a point of order is not an opportunity to enter into debate, as the Leader of The Nationals well knows. The minister, to answer the question.

Mr BRUMBY — Talk about being blackballed! The Leader of The Nationals — No-Way Ryan — got a phone call last week from Peter McGauran to say, 'Change your position on water policy', and the Leader of The Nationals said, 'How high can I jump?'.

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — 'How high can I jump?'.

The SPEAKER — Order!

Honourable members interjecting.

The SPEAKER — Order! I will not hear the minister any longer. I will not have that performance. I call the member for Northcote.

Ms RICHARDSON (Northcote) — Speaker, my question — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Scoresby and the member for Bulleen.

Mr Ryan — On a point of order, Speaker, it is hardly fair, surely, during question time that I should be discriminated against, if I may respectfully say, in having —

Honourable members interjecting.

The SPEAKER — Order! The member for Eltham!

Mr Ryan — the minister answer a very proper question in circumstances where he does not conduct himself properly. If he has completed his answer, then that is one matter, but if he has been sat down simply because of his own conduct, with respect, that is another. The minister should answer the question.

The SPEAKER — Order! There is no point of order. I have decided not to hear the minister any longer.

Dr Napthine interjected.

The SPEAKER — Order! That is the prerogative of the Chair. I warn the member for South-West Coast.

Mr Ryan — On a further point of order, and with the greatest respect, Speaker, the precedent set there is that any minister now in difficulty with a question can simply conduct himself or herself in a manner which transgresses the rules of debate and they will be sat down.

The SPEAKER — Order! I accept the point that the Leader of The Nationals is making. As with all things in this chamber, there is a prerogative and a discretion that needs to exercised by the Speaker. I can assure the member that that escape clause will not be used by ministers, but I could not allow the minister to continue in that vein today. The minister is not the only person who has conducted himself in an unparliamentary way in the course of question time today. I have warned any

number of members, and I will continue to do so. If I need to ask members to leave the chamber, I will.

Mr Burgess — Why not require him to answer?

The SPEAKER — Order! I beg your pardon! I warn the member for Hastings.

Water: irrigators

Ms RICHARDSON (Northcote) — My question is to the Minister for Water, Environment and Climate Change. I ask the minister to update the house on the situation currently facing irrigators relying on flows from the Murray–Darling system.

Mr THWAITES (Minister for Water, Environment and Climate Change) — I thank the member for Northcote for her question. The Murray–Darling Basin is facing unprecedentedly dry conditions, and whilst there has been near-average rainfall in February and March, the dry catchments have led to inflows in February and March this year being the lowest ever recorded. Water storages are generally at record lows.

On 7 November last year the Prime Minister and premiers met at the water summit in Canberra. They agreed that a high-level officials group should be established to examine contingency planning for water supplies for 2007–08. I might say that at the water summit the Prime Minister complimented Victoria on its drought plan and urged other states to follow suit. Following the summit, Victorian officials have been working with officials from the commonwealth government and other states on contingency planning. Unfortunately the low inflows have continued.

On 15 February Goulburn-Murray Water issued its seasonal allocation outlook, which indicates that it is likely that there will be little or no water allocated for irrigation in any system on 2 July — that is, at the start of the irrigation season this year. However, if there are average winter inflows, the allocations on 15 August will be 14 per cent for the Goulburn system, 7 per cent for the Murray system, 92 per cent for the Campaspe system and 100 per cent for the Loddon system. As part of the response to the drought and the water summit, on 2 March I announced special provisions to allow irrigators to carry over water from the 2006–07 season to the 2007–08 season. In my press release I specifically acknowledged that resources may be so scarce that there may not be water for irrigators at the start of the season.

The government has established a drought task force, which is chaired by the Premier and involves the Treasurer, the Minister for Agriculture and me. That drought task force has determined priorities for allocating the water that is available. Essentially it puts a first priority on human consumption; the second priority is to ensure that there is enough water for stock; and the third priority is irrigation. The drought task force has also determined that we should use the water market as far as possible to enable irrigators to access the water available rather than to qualify rights. For that reason we expect that if there is some rain we will make an early allocation of water. That would mean that the water market can get started and we can get a trade in water amongst our irrigators.

In relation to the urban areas, the urban water authorities are also carrying out water contingency planning. That includes bores being drilled around the state. There are government subsidies and funds to assist with accessing water through bores. In Ballarat, Wangaratta and other places the bores are being drilled and are providing extra groundwater. We already have in place water carting for towns such as Euroa and plans are in place if other towns need to have water carting.

The government is also accelerating water projects — for example, the goldfields super-pipe, the Wimmera–Mallee pipeline and groundwater for Geelong. I should say that in the Wimmera-Mallee we have held back environmental water which is sitting in the reservoir, and in other parts of the state we are qualifying water, which is a sensible proposal. It is something, I might say, that I did after urgings from many members of the community, including members of The Nationals, and it is a power that I would lose if all our powers were to be transferred to Canberra. The qualification of rights is an important role that ministers have to provide a flexible approach to ensure that we have water available for the myriad towns around the state. I am sure that members of The Nationals would agree that they will get a quicker response than they would from Canberra.

Honourable members interjecting.

Mr THWAITES — Certainly the Victorian Farmers Federation (VFF) and the whole of the farming community is of that view.

This week, on 17 April, the Prime Minister wrote to the Premier, indicating that the senior officials work was completed and that the record low flows would mean that it is unlikely that there will be any water available for irrigation at the start of the season. The Prime Minister sought the agreement of the Premier to issue a joint statement to that effect and also sought a number of other agreements from the Premier, including the release of the senior officials report. The Premier

responded immediately and agreed to the Prime Minister's requests in all aspects, including agreeing that there be a joint statement. The Prime Minister has chosen to issue the statement himself without it being a joint statement. Having said that, our state government is very clear that we will work absolutely closely with the commonwealth to ensure that we have a coordinated approach to the drought.

This will be an extremely tough year, and it comes on top of another tough year. It is worth pointing out that last year the Goulburn irrigators had a zero allocation at the beginning of the season and that rose to some 29 per cent, and on the Murray the initial allocation was 20 per cent, and it rose to 95 per cent. However, this year we expect that the allocations will be substantially less unless we get very good rains. We will work with the commonwealth government, farmers, towns and organisations such as the VFF to ensure that we have an appropriate response to these very difficult circumstances.

Human Services: police raids

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I refer to the minister's comments yesterday that, after being briefed by the department's secretary about the seizure by police of high-risk, HIV-carrier case files in raids last year on the Department of Human Services, the minister took immediate action to ensure that the department fully cooperated with the police, and I ask: why then were government lawyers instructed following these raids to undertake legal measures which impeded the Victorian police from investigating those files, who instructed them, and what instructions did the minister or her office provide?

Ms PIKE (Minister for Health) — I thank the Leader of the Opposition for his question. As I said to the house yesterday, it is my view that there does need to be greater cooperation between the Department of Human Services and the police with the handling of this small number of very sensitive HIV cases. When the police, who had a warrant, requested files from the Department of Human Services on 13 April, more files were handed over or taken than the warrant required, and so the Department of Human Services did seek to have those files returned. These matters are now in the past. We are now moving forward.

As I have told the house, we have brought together the former Victorian assistant police commissioner and head of the Western Australian police force, Bob Falconer, and Professor Graham Rouch to review all the current HIV cases and particularly to ensure that there is better understanding and cooperation between the police and the department.

Tertiary education and training: innovation skills

Ms CAMPBELL (Pascoe Vale) — My question is to the Minister for Skills, Education Services and Employment. Can the minister update the house on the most recent examples of the Bracks government driving a more highly skilled workforce to support Victoria's innovation economy?

Ms ALLAN (Minister for Skills, Education Services and Employment) — I thank the member for Pascoe Vale for her question. As members of this house know well, the Bracks government has education and skills as its no. 1 priority. We are particularly committed to assisting Victorians to gain a higher level of skills and qualifications to support Victoria's innovation economy. As a result of the Bracks government's additional $990 million of investment in our training system over the last seven years, Victoria is leading the nation in vocational education and training. Certainly my new federal ministerial counterpart, Andrew Robb, agrees with this. Since taking on the portfolio he has not missed an opportunity to tout Victoria's vocational training system. Indeed he describes Victoria's system as the 'outstanding performer'.

A major part of our extra $990 million investment is the $241 million in initiatives announced in our skills statement last year. I am very pleased to inform the house today that as part of that statement this year alone the Bracks government has funded an additional 1900 places in our training system for higher level qualifications. It is important to note the reason we are focusing on higher level qualifications. We are doing this because we know that to increase people's skills and qualifications to a higher level is of crucial importance to securing our state's future prosperity. It is a pretty straightforward equation: we know that higher levels of skills drive higher levels of innovation, and that is good for Victorians and also good for the Victorian economy.

In addition we are driving greater innovation across our skills and training system by supporting Victoria's TAFEs to embrace innovation and focus on delivering the skills that are needed for the next generation of workers and the next generation of Victorian industry. For example — this is a terrific example of innovation in the Victorian TAFE system — very recently Box Hill TAFE signed a $6.1 million five-year research agreement with the US-based technology development company Paleo Technology International. This has

helped land a key, multimillion-dollar investment for Victoria, at the same time giving students at Box Hill TAFE the opportunity to conduct research right here in Victoria in a cutting-edge, innovative industry.

The Bracks government is also supporting further innovation in TAFEs through the Vocation Education and Training Innovation Fund. Since being established this fund has invested almost $28 million across 240 projects. This has not only resulted in additional skills and training in these important areas but also leveraged additional funding for TAFEs to innovate in their training delivery and to help secure commercial opportunities.

The Bracks government has a focus on high levels of skills, the innovation economy and investment in the education and training system. That is a stark contrast to the previous Liberal-National party government, whose innovative approach to education and training was to close schools and cut TAFE funding. It is the Bracks government that has invested in skills and training focusing on innovation, and we are doing it to ensure that Victoria remains a great place to get the skills you need to live and work in an innovation economy.

Murray–Darling Basin: federal plan

Mr INGRAM (Gippsland East) — My question without notice is to the Premier, and it relates to the federal government takeover of water management in the Murray–Darling Basin. I ask: has the Victorian government sought or received legal advice on the rights contained in section 100 of the constitution and any potential liability if those rights are removed through the federal government's plan?

Mr BRACKS (Premier) — I thank the member for Gippsland East for his question. We have not received legal advice on that particular matter, but it goes to about 1 of 100 questions that we have asked the commonwealth about. It is one of the unanswered questions that we believe is material to the water plan which the Prime Minister, alongside his federal water minister, Malcolm Turnbull, is proposing for the Murray–Darling Basin system.

They would like us, as the member would know, to simply hand over a bulk transfer of powers and responsibilities and to decide themselves later on which of those powers they need and send some back — they will send some back for sure! That is really the proposal they want us to sign up to. Of course the member is right: according to the constitution water, irrigation and land are inalienable rights that are afforded to the states. That is why the commonwealth wants us to voluntarily hand them over.

We will not sell out the state, as The Nationals have. We will not simply sign up to a political agenda to suit the Prime Minister and the federal water minister, as the state Nationals have. The Nationals have got these assurances, supposedly, from the federal water minister that Goulburn–Murray water will not come to Melbourne, but they have not got assurances about Adelaide, and that is where the water is going to go.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. Proud though I am of the assurances which The Nationals have obtained, this is not the time for the government to be talking about them.

The SPEAKER — Order! The Premier, to answer the question.

Mr BRACKS — The member for Gippsland East referred to one of the matters which remains an uncertainty in relation to the water plan — that is, the uncertain nature of future actions that might be taken by irrigators around the state to challenge the water referral that would ultimately be given if the Prime Minister's plan went ahead. That of course creates significant uncertainty for the system that is in place.

We believe there is a better way forward. I have expressed this before, and I indicate to the member for Gippsland East that we believe there is a process to go forward that gives more power to the commonwealth through the Murray-Darling Basin Commission, with a power of veto, rights over caps and entitlements and an intergovernmental agreement which assures it of a bigger role, rather than simply handing a lump or transfer of powers over for an uncertain outcome in the future and a system which is effectively designed to reward the most inefficient irrigation practices in the country and not reward the most efficient by gaining water, for example, for Victoria, where the efficiencies are.

It is a flawed system, and I support what is underlying the member for Gippsland East's question. We should not sign up to something which is going to disadvantage Victorians and something which would effectively mean that 200 gigalitres of water from the Murray–Goulburn system would go from our water supply on to Adelaide — which is the plan of the commonwealth, which is the proposal of the Premier of South Australia, which is the proposal — —

Honourable members interjecting.

Mr BRACKS — Could I indicate to the member for Gippsland East that we will let the communities in the Shepparton area know that their water will be going to Adelaide under the plan of The Nationals and the federal government.

Energy: clean coal technology

Mr CARLI (Brunswick) — My question is to the Minister for Energy and Resources. I refer the minister to the government's commitment to investing in research into and the development of clean coal technology, and I ask the minister to detail for the house the most recent government initiatives that demonstrate this commitment.

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Brunswick. He certainly understands how important this issue is not only to the environment but to the economy. Speaker, as you would be aware, there is no doubt that the Latrobe Valley is an economic powerhouse for — —

Mr Ryan interjected.

Mr BATCHELOR — We will come to that.

The SPEAKER — Order! The conversation across the table will not continue.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr BATCHELOR — The Latrobe Valley is an economic powerhouse for the Victorian economy. That is because we have very large, abundant resources of brown coal. It is a rich resource, there is lot of it and it is easily accessible. The issue, and the challenge, is how we will make continued use of this resource for Victoria in a carbon-constrained future. To be able to do that we have to invest in research and development and in a demonstration of how these new lower emission technologies can help Victoria meet the greenhouse challenge.

Last week I had the pleasure of visiting the Latrobe Valley. During that visit I announced a $9.4 million round of clean coal research grants. These grants will help research into the capture of carbon dioxide gas at both the pre and post-combustion stages. We also are funding research into the de-watering of brown coal and research into advanced gasification technology for use in the Latrobe Valley and other locations. These projects will assist the development of clean coal technology here in Victoria. This will allow the state to take advantage of our substantial supply of brown coal by helping our Latrobe Valley generators firstly make deep cuts to carbon dioxide emissions and then eventually move towards zero or near-zero emissions by capturing carbon dioxide emissions and storing them underground.

These innovations build upon the government's commitment to brown coal technology innovation, which has seen a commitment to spend $90 million over the past three years as part of our energy technology innovation scheme. Clean coal technology has been developed here in Victoria. It has the potential to be exported, particularly to energy-hungry countries like China and other places around the world.

These grants and these initiatives were welcomed by industry, by environmentalists, by residents and by The Nationals when we were in the Latrobe Valley. In fact The Nationals spokesman on industry and state development welcomed these announcements, because he said it 'would facilitate the development of clean coal technologies that would place the Latrobe Valley in a stronger economical and environmental position for years to come'.

The Nationals in this house know that what they are doing is absolutely correct. They support what the government is doing. The member for Morwell, who is their spokesman on industry and state development, said:

> Technology that improves the efficiency of electricity production benefits the industry, the economy, the community and of course the environment.

That is exactly what we are doing. He understands the importance of this government's making these announcements.

We see this latest round of grants as once again proving that this government is not only committed to innovation but also committed to tackling climate change and to sustaining economic benefits at the same time. All of this can be achieved by continuing to use our resource of brown coal in Victoria in a more environmentally friendly way in a carbon-constrained future.

Human Services: police raids

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I refer to the minister's statement that Dr Hall was sacked because she was unaware until Friday of police interest in three particular HIV carriers and to the fact that the minister has since admitted: one, that files of these carriers were

among those seized by police last year; two, she was briefed on the files at that time; three, her department instructed lawyers to resist police access to those files; and four, continuing police interest in these files received media coverage in October. I ask: what was the real reason the minister sacked the chief health officer?

Ms PIKE (Minister for Health) — I thank the Leader of the Opposition for his question. I have made it very clear that upon receipt of certain information I have been unhappy about the handling of some of these HIV cases within my department. At every point that I was made aware of issues I acted decisively, and I put in place strategies to bring about change to improve the performance of my department in this area. Most recently there have been three things that I have done — —

Mr McIntosh interjected.

The SPEAKER — Order! I warn the member for Kew. The question has been asked. The minister must be given the opportunity to be heard in answering the question.

Ms PIKE — When I was informed about the full extent of these issues I took the decision to terminate the position of the chief health officer. I asked the head of the Department of Human Services to completely overhaul the public health branch, and as a first act I have separated out the role of the chief health officer and the director of public health. As I have just previously said, I have engaged experts — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Bulleen. He already has one warning; there will not be another one.

Ms PIKE — On top of these things, I have spoken to the federal Minister for Health and Ageing, Tony Abbott, and have said to him that I am very pleased — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for Warrandyte! The minister must be given an opportunity to be heard.

Ms PIKE — As I said, I spoke to Tony Abbott and have said to him that I am very pleased that he has asked the government advisory committee on HIV to look at upgrading the national standards so that we can all work together on protocols nationally for dealing with this very difficult and very sensitive issue. I have taken this decisive action. I am looking forward, and I want to make sure we can continue to do everything we can to protect the public of Victoria.

Ms Thomson interjected.

The SPEAKER — Order! The member for Footscray does not need to give advice to the opposition.

Innovation: government performance

Mr LUPTON (Prahran) — My question is to the Minister for Innovation. I refer the minister to the government's commitment to investing in innovation in the Victorian economy. I ask the minister to detail for the house the latest examples of the government delivering on that commitment.

Mr BRUMBY (Minister for Innovation) — It has been another very positive week for innovation in Victoria. This week we have the 5th World Conference of Science Journalists in Melbourne. We have 700 journalists from over 50 countries around the world and they came here because they see Melbourne and Victoria as the science and innovation capital of Australia. We have also had the Ethanol 2007 conference, which I opened yesterday morning and announced a $5 million grant to assist with the growth of the biofuels industry. We had the ATSE Clunies Ross award this week, and Professor Ian Frazer, a former Australian of the year, was the main speaker at that function and some great awards were held in Melbourne. Last night the state Parliament, the lower house, became the first state Parliament in Australia to pass somatic cell nuclear transfer legislation.

Mr Baillieu interjected.

Mr BRUMBY — I said 'the lower house'.

The SPEAKER — Order! We can all check *Hansard* later.

Mr BRUMBY — I hope you make sure it is correct, Speaker! There is also designEX, which opened this morning, which is the largest design festival in Australia. The Royal Australian Institute of Architects has its conference this week — and by the way, the chief executive officer, David Parker, told me this morning that the institute has this conference every two years and that last time it was in Sydney, but its attendances are 50 per cent higher in Melbourne. There are 12 000 delegates. I would describe that as a typical week for innovation in Victoria.

If you look at biotechnology, the evidence suggests that the state government's biotechnology plan is producing fantastic results for our state. Over the last 12 months we have seen a doubling in the number of mid-tier biotech companies. These are companies that in market capitalisation are worth more than $100 million, and we have seen a doubling of those. It is a great achievement. We have seen a 20 per cent increase in market capital of life science companies and we will see something like $500 000 million spent on research this year in our state.

Today at lunchtime I took journalists from the conference to look at the synchrotron. The building is complete and there are now five beam lines in place, completed on time and on budget. What a magnificent achievement by the Bracks government. Without all the complete irrelevance of the Liberal Party in relation to innovation, there are 65 synchrotrons in the world, and the Victorian synchrotron ranks in the top 10.

Ms Asher interjected.

Mr BRUMBY — So it should, we built it — the Bracks government. There are five beam lines — —

Ms Asher interjected.

Mr BRUMBY — You just wish you could have done it as Minister for Small Business.

The SPEAKER — Order! The minister and the Deputy Leader of the Opposition will not have a conversation across the table.

Mr BRUMBY — As I said, there are currently five beam lines in place, and I will mention three of them. One, which I saw this morning, is for protein crystallography, which is essentially for drug design. The new beam line will mean high throughput for protein crystallography. You can analyse a protein in 1 minute compared with the 45 minutes it has previously taken. The second one is for X-ray absorption spectroscopy, which is used in developing things like self-cleaning glass. The other one that I looked at this morning is infrared technology, and one of the applications of that is to advance in-vitro fertilisation technology. You will be able to look at an oocyte and see if it is ready for fertilisation, which we currently cannot do using existing technology. That gives the house an idea of the dimensions.

I also met many scientists who carry chemical samples and proteins overseas. In one case a mineral scientist who carries 30 kilograms of rocks and dust overseas to Japan — —

Honourable members interjecting.

Mr BRUMBY — They have to take it through as luggage, and often it gets lost. They will be able to do all of that research in Australia. The synchrotron will inject something like $65 million a year into the economy. It will create directly and indirectly 2500 new jobs. We are already seeing new businesses move into that Monash cluster. When you think of Monash University with the Australian Stem Cell Centre, the new centre for regenerative medicine, the six CSIRO laboratories, you think of Toyota's hybrid research facility and the synchrotron, it is a sensational cluster which is unprecedented anywhere in Australia for industrial technology and investment.

All of this has not happened by accident. We have had a plan to build Victoria as the science and technology capital of Australia. We have done that; we want to do more in the future and we will.

The SPEAKER — Order! The time set aside for questions has expired.

Mr Jasper — On a point of order, Speaker, further on the question asked by the Leader of The Nationals of the Minister for Regional and Rural Development regarding the Bruck mills at Wangaratta, the member referred to a letter from the chief executive officer of Bruck mills at Wangaratta. Will the Leader of The Nationals make that letter available to the house?

The SPEAKER — Order! Is the Leader of The Nationals happy to make the letter available?

Mr Ryan — That is a very good point, Speaker. I will certainly make it available to the house.

ROAD LEGISLATION AMENDMENT BILL

Second reading

Order of the day read for resumption of debate.

Honourable members interjecting.

The SPEAKER — Order! That is one of the most disgraceful displays of parliamentary behaviour that I have ever witnessed. I cannot tell the house how glad I am that this is a Thursday afternoon and we have a week's rest before we come back, because I think every member in this chamber should have a good look at themselves and think of what they represent to the state of Victoria.

As I said, the time set aside for questions has finished. The business of the house will continue, and I ask

members who are not participating in the debate to leave the chamber.

Dr Napthine interjected.

SUSPENSION OF MEMBER

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

Honourable member for South-West Coast withdrew from chamber.

Debate resumed.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Road Legislation Amendment Bill because this is a bill that gives further effect to the commitment of the Bracks government to make EastLink the cheapest private tollway in Australia. It is also a bill that ensures that Victorian motorists will only need one e-tag to travel on CityLink and EastLink at no extra cost to them. It is a bill that makes it easier for motorists to use the new EastLink tollway in the cheapest and most convenient way. It is also a bill that strengthens our capacity to ensure that motorists who are breaking our road laws are paying their fines.

Before I get onto the bill, I want to deal with the issues raised by the member for Polwarth, who, despite the fact that he is the lead speaker for the opposition, is no longer here. We had the most extraordinary proposition put by the member for Polwarth prior to the lunch break, when he said that, if the government does not agree to the removal of clause 16 from the bill, the opposition will oppose the bill. That is what the member for Polwarth said.

Let us have a look at clause 16, which relates to the Southern and Eastern Integrated Transport Authority. What it says is that SEITA will be the referral authority for any developments that occur within 200 metres of the project.

Mr Langdon interjected.

The SPEAKER — Order! That is not appropriate behaviour, and the member for Ivanhoe knows it.

Mr HUDSON — This is clearly not a clause that is going to apply to cubbyhouses or pergolas. It is not going to apply to every little development in the project area. It is a clause that applies to major developments that will have a particular impact around sensitive areas such as the tunnels. If we have drilling, blasting or the construction of large buildings over the tunnel; if we have, for example, a retaining wall to be built on a slope above the tollway that may cause a collapse onto the tollway; if we have an advertising hoarding that may be in an unsafe location and might be distracting to drivers; if there is a subdivision that will require noise amelioration because it is next to the arterial road — they are matters that SEITA needs to know about. They are things that should be referred to SEITA. For the member for Polwarth to say that they should not be referred to SEITA has me completely gobsmacked.

The member for Polwarth also seems to have a very short memory, because precisely the same referral powers were included in the Melbourne City Link Act 1995. In fact, if you go to that act you find that the powers there were much broader than the ones included in this legislation. That was legislation passed by the Kennett government. Section 22 of the Melbourne City Link Authority Act says that the Melbourne City Link Authority has power in respect of any matter affecting land within the project area. Here we have a more prescribed power, and we have the opposition opposing it. Members of the opposition also seem to be totally unaware of clause 66 of the Victorian planning scheme provisions. It says not only that VicRoads — —

An honourable member interjected.

Mr HUDSON — I get excited when you show complete ignorance, I can tell you. I get really excited.

The SPEAKER — Order! Comments should be made through the Chair and not across the chamber.

Mr HUDSON — VicRoads is the referral authority for all land that adjoins any road declared as a freeway or an arterial road. That is what it says. VicRoads is the referral authority. That is what clause 16 does under this bill. Yet we have opposition members coming in here saying that they are going to vote against this bill if we do not delete clause 16. That is what they are saying.

If I understand correctly what the member for Polwarth was saying on behalf of the opposition, the opposition will deny motorists the benefits of reduced tolls on EastLink if they go on and off the freeway.

An honourable member interjected.

Mr HUDSON — Is that what you are saying — they will not get the benefit of reduced tolls under the toll cap — or are you saying that the 1 million motorists who currently have CityLink e-tags will be denied the benefits of interoperability through be required to have only one e-tag for CityLink and EastLink? Are you

saying that they are going to have to have two e-tags? Is that what you are saying, because you want to vote the bill down?

The SPEAKER — Order! The member for Bentleigh should direct his comments through the Chair.

Mr HUDSON — Thirdly, are they suggesting that we should lose the opportunity to limit the roaming fee that can be charged by CityLink to EastLink customers, because that is what the bill is about? The bill provides that the roaming fee that CityLink can charge EastLink customers can only be at the net marginal cost of providing that billing service. Are you going to vote that down? Are you going to let CityLink set whatever fee it likes?

Honourable members interjecting.

The SPEAKER — Order! The member for Bentleigh should address his remarks through the Chair.

Mr HUDSON — Are opposition members going to vote that down? Fourthly, are they going to deny motorists the opportunity to make a simple statement — not a statutory declaration or a sworn statement — about who the driver of the car was? Are they going to stop them from doing that? Here we have a situation where currently under the laws of perjury, which is what the current provisions are, you are liable to be jailed for 15 years and incur a fine of $180 000. This bill changes that to just a basic statement and a fine of $6000. Are opposition members suggesting that the provisions relating to perjury and a $180 000 fine should stay in place? That is what they are suggesting by their opposition to this bill.

Honourable members interjecting.

Mr HUDSON — We also have the member for Polwarth apparently not understanding how the demerit points system works.

Ms Asher interjected.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition for her cooperation.

Mr HUDSON — The member for Polwarth referred to clause 9 of the bill, which deals with a situation where a person nominates someone else as the driver at the time of the offence and that nomination is rejected. He suggested that somehow each time a person who is nominated as the driver is rejected, the time runs again for another 12 months. He suggested that somehow a person might be able to keep nominating someone else and avoid getting demerit points, presumably to avoid having their licence suspended or cancelled.

The fact of the matter is this: first of all, if that person makes a false statement, they are going to get a $6000 fine. Secondly, once the matter is finalised and it has been determined who the driver was — whether it was the original driver or the nominated driver — the points apply from the time of the offence, not at the time when the nominated driver is found. So if that person has accumulated 11 points and they are finally found guilty of the offence, they will suffer the full consequences. They will not be able to delay or defer the cancellation or suspension of their licence.

But the most critical point is this. We have opposition members saying they are going to vote against the bill and in support of powers which are more prescribed than the ones put into the CityLink Act by the Kennett government if we do not accept the removal of that clause. It is irresponsible behaviour. I commend the bill to the house.

Mrs VICTORIA (Bayswater) — I rise hopefully to bring a little bit of sense to the debate on the Road Legislation Amendment Bill. It goes without saying that governments of all persuasions and at all levels should be continually trying to reduce red tape and lower bureaucratic hurdles. Reduction of red tape lowers the cost of doing business, helps to grow the economy and makes people's daily lives easier to manage. Indeed many members sitting opposite have spoken about the need to reduce red tape and bragged about the government's supposed record on the topic.

I recall a dedicated election promise by Labor to make such a reduction. Its policy committed this government to reducing the number of laws by 20 per cent and reducing the administrative burden of complying with government regulation by 25 per cent. These stated targets were proposed to yield $447 million in savings. This is a saving of just 0.33 per cent — or less than one half of 1 percent — in government red tape, and it is hardly a fundamental change that will make the operation of government more efficient.

How does that relate to the legislation at hand? With this bill the government is seeking to change the current owner-onus transfer provisions of various parking, traffic and tolling offences. That is, it is removing the need for an owner to make a statutory declaration nominating the actual driver of a vehicle in favour of what it claims is a simpler statement system. The government argues that this will simplify the system,

reduce costs and indeed lead to more follow-ups and/or convictions for false statements.

I think this bill is using reverse logic. It seems to me that if we legislate to make it easier to transfer fines to other drivers, we may well be opening a Pandora's box. A suspicious mind would say that we may be enabling a minority of drivers who are serial speed demons to easily transfer all manner of fines and penalties to friends and families to avoid losing their licences. If you think about basic human psychology, you realise it would be easy for a person to write a letter and nominate another driver of the vehicle to avoid losing demerit points on their licence — and it would be far easier than fronting up to a police station or visiting a member of Parliament's office, lying face to face and making a false statement. But if you think about this current government's proven lack of care for or commitment to the ordinary Victorian, perhaps you can see why it wants to pass this type of legislation.

Let me make this clear: I do not view constituents visiting my office to discuss problems or make statutory declarations as a waste of time.

Ms Asher — Because you're a good MP.

Mrs VICTORIA — I am a good MP — and the people of Bayswater agree! I would far prefer to spend 2 minutes doing my duty than make it easy for law-breakers to get away unpenalised. And if this particular amendment were not bad enough, we are also faced with clause 16. I cannot believe that this government would have the audacity to propose that Parliament give more control to the Southern and Eastern Integrated Transport Authority by extending the referral authority area provided to it to 200 metres outside the current extended EastLink project area. SEITA was set up in 2003 to facilitate the tollway project now known as EastLink, linking the Eastern Freeway to the Frankston Freeway, which comes directly through my electorate.

In the principal act SEITA was given the power to be a referral authority as defined under the Planning and Environment Act 1987. Referral authorities have various powers, including the power of veto over projects within their scope. It is concerning that under the proposals being debated here this government is planning to make SEITA the virtual judge, jury and executioner of not just the planning and construction requirements within its project area but also any other projects requiring planning approval within 200 metres of its boundary. This act does not immediately deem that area but instead refers these powers to the minister and Governor in Council.

Let us just stop and think about what that might mean for the people living and working within the fabulous area of Bayswater. Residents living near this project in a place called Abbey Walk and surrounding streets in Vermont South have been requesting and negotiating with EastLink, SEITA, the minister and this government to try to have noise attenuation barriers built to preserve their current quality of life. They have been informed that these will not be built.

What if we look at a hypothetical scenario? After 18 months of not sleeping, when they are fed up with the noise levels and want to do something about it, what if the residents raise funds on their own to construct noise barriers? They would then go to council with a planning application. The changes being proposed here could mean that SEITA could simply object to the construction of the barriers, and as a referral authority the local council is bound, under section 61(2) of the Planning and Environment Act, to follow SEITA's objection and refuse the permit. Councils are already hamstrung by Victorian Civil and Administrative Tribunal appeals; they are losing all their local decision-making powers.

With its typically secretive modus operandi, this government is proposing to give one of its own statutory bodies the power to control people's lives, not by act of Parliament but just on the minister's whim and by the stroke of a pen behind closed doors. The residents have had enough. Why? Because they have been treated with contempt and because they happen to live within 200 metres of the project that represents the greatest-ever political lie and backflip perpetrated on the Victorian public.

One has to ask: why does SEITA require extra planning powers for areas well outside the construction zone? What secret plans does the government have for future projects? This government is becoming the master of hypocrisy, and its dictatorial style is not welcome in the eastern corridor, as proven by the voters at the 2006 election.

Clause 16 should be withdrawn and the government should apologise to the Victorian people for even proposing it. I oppose the proposed legislation in its current form, and before voting today I ask members on all sides to consider the freedom of their constituents to live without further Labor government meddling,

Ms RICHARDSON (Northcote) — The Road Legislation Amendment Bill implements a number of important amendments to ensure the successful delivery of the EastLink project. It also provides for improvements to the enforcement of the road laws in

circumstances where the identity of the driver is not the owner of the vehicle at the time of the offence. The changes will mean that drivers will be able to travel on EastLink and on CityLink and be billed for the funds via one electronic e-tag.

By facilitating the interoperability between EastLink and CityLink drivers will also be able to travel on any tolled road in Australia. With respect to tolling offences, speeding offences and parking offences, owners of vehicles who were not driving their vehicles at the time of the offences will no longer be required to complete statutory declarations but rather will be able to provide written statements. It will still be an offence to provide a false or misleading account, but it will no longer attract a disproportionate penalty.

Further, by amending the definition of what constitutes a trip in the EastLink Project Act 2004, users will only be charged for any amount of travel in one direction which occurs within the space of 1 hour; a very innovative initiative. It will take approximately 25 minutes to travel the entire 45 kilometres of EastLink. The redefinition of what constitutes a trip allows drivers to make several short journeys or break their journey along on the way. This will minimise the overall cost to the driver. Occasional EastLink drivers who purchase trip passes will also be able to add journeys together to minimise their use of trip passes. These amendments form part of the Labor government's commitment to deliver an integrated road system.

There are many commendable features of the EastLink project, including: no automatic tolling for inadvertent users; no tolling of existing roads; no road closures designed to force drivers onto EastLink; and a cap of 11 cents per kilometre. But additional features of the project are also worth highlighting, including a $200 million public transport package involving four railway station upgrades at Heatherdale, Noble Park, Dandenong and Kananook; a bus service along Wellington Road to service Rowville; 1.6-kilometre tunnels to protect the very sensitive Mullum Mullum Valley wetlands along the corridor; and a 40-kilometre shared-use path for cyclists and pedestrians from Donvale to Seaford.

The Bracks government's commitment to an integrated road system is to be commended. All of my constituents and fellow Victorians benefit from an integrated road system. It helps the economy, it reduces greenhouse gases, it reduces congestion and it improves Melbourne's livability, which is all good news for Victoria. I am disappointed that Liberal Party members fail to see the benefits of the bill. In particular I was sorry to hear the member for Bayswater negatively referring to the people of Melbourne as chronic law-breakers and habitual liars. What an extraordinary claim from the member for Bayswater!

This bill is designed specifically to help those drivers not breaking the law. I am very pleased to support this bill, and I commend it to the house.

Mr R. SMITH (Warrandyte) — I appreciate the opportunity to speak on the Road Legislation Amendment Bill. I support many of the issues covered by the bill. But my concern and my reasons for opposing the bill relate to new section 125(2), to be substituted by clause 16, which states:

> The Minister may, by Order published in the Government Gazette, declare any area within 200 metres of the boundary of the Extended Project area to be an additional referral area for the purposes of this section.

It is my understanding that this will give the minister the right, after going through the due process, of referral authority for that property. I am a supporter of the EastLink project, and beyond the fact that we are going to be paying tolls for a very long time when we were told that we would not, I believe it will bring many benefits to the metropolitan east. I can also understand that there may be certain areas around the project that require this extended boundary. But what I cannot understand is why we need the blanket authority across the whole length of the project. It really should not be too onerous a task to identify clearly those areas where such authority is required.

My concerns stem from the lack of consultation and lack of concern that this government and the government body, Southern and Eastern Integrated Transport Authority (SEITA), have previously shown towards the residents affected by the project's construction. I have had numerous conversations with my local residents, and, believe me, there is a common theme that there has been little acknowledgement or understanding of their concerns in the past and little responsibility taken for the consequences of the construction. There are plenty of examples available in the media which show the disregard that SEITA and the government has had. In February the *Frankston Standard Leader* said that the project caused sandstorms and dust and had blasted homes, scratched cars, clogged water tanks, damaged heating systems and reduced property values.

In an article in the *Age* in December last year Wantirna South residents said:

> vibrations from road compacting and a rock crusher have caused cracks in their houses.

> At least three families who live within 100 metres of the rock crusher say it is causing serious respiratory problems in their children.

Project managers were reportedly not interested in residents' complaints.

It was reported in the *Herald Sun* in January last year that in Dandenong North the height of the off-ramp had put residents' homes in permanent afternoon shadow because the ramp was built higher than residents expected. When the president of the Dandenong Residents and Ratepayers Association complained about noise barrier issues, a SEITA spokesman dismissed the comments as being a bit silly. In the *Knox Leader* of November 2006 the EastLink Tollway Residents Action Group president said:

> There's been a total lack of consultation from them about noise and dust concerns. They claim to be consultative, but they're dictatorial.

There is clear history that this government rides roughshod over the concerns of residents in the EastLink corridor. The Premier personally spoke to one of my constituents on talkback radio before the election in November last year. My resident, Mr Tim Jones, asked the Premier to get involved and to help settle down the issues that were going on. The Premier said he would — guess what? — look into it. To date my resident has not heard from the Premier. He has heard from the minister's office, but to date very little has been done to progress the solution.

It is my hope and the hope of my residents that, if this bill goes through in its present form and the minister sees fit to exercise the powers that are provided in it, he will deviate from what has become the norm and fully and openly consult with all the residents. Unfortunately the residents in my electorate find it difficult to believe that this will be the case, because there is too much of a history of misleading consultation, stalling and deception.

Members on the other side of the house who represent electorates along the EastLink corridor should be speaking up for their communities as I am doing and as the members for Bayswater, Scoresby and Doncaster are doing. The constituents of those members are actually getting some representation. I will be very interested to see whether the members for Mitcham, Frankston, Cranbourne, Lyndhurst and Mulgrave support these amendments. They should be speaking up for their constituents as the members on this side of the house are.

Residents are looking forward to the end of this project. They feel that the massive inconvenience they have suffered is finally coming to an end. They do not need the further trauma of having an uncommunicative and uncaring government intruding further into their backyards at a future date.

Ms MUNT (Mordialloc) — I am very pleased to rise in support of the Road Legislation Amendment Bill. I do so on the basis of the great economic benefits that will come to my region when this road is completed and operating. I often drive down Cheltenham Road, and the progress happening with the building of this enormous project is absolutely amazing. Every time I go there it just seems to have grown and grown, and when it is completed it will be a major benefit for our area.

A couple of months ago I went to the Kingston business breakfast. Hundreds of local businesspeople attend that breakfast, and when I attended the guest speaker was Janet Holmes a Court. Business is really booming in our area. Our region — I call it the second Melbourne, although down there we really like to think we are the first Melbourne — is the powerhouse of manufacturing and business in Melbourne. I was interested to learn that more business is located in the arc between Dandenong and Cheltenham East than is located in Adelaide and Perth combined. We are a powerhouse of manufacturing and, I think, at the heart of the state's business and manufacturing economy.

When this project is completed the ease with which businesses will be able to connect to the Hume Highway, other parts of Melbourne and the Mornington Peninsula will be tremendous. I know that a great deal of development is already happening along that entire corridor. It will be a great advance for business, and because this community is growing, there will be all sorts of flow-on benefits. Billions of dollars are at stake here, and with this legislation to facilitate its completion, the project is going to provide wonderful benefits for our area. I support this legislation and commend it to the house.

Mr WALSH (Swan Hill) — It is a pleasure to rise to speak on the Road Legislation Amendment Bill. The purpose of this bill is to facilitate tolling interoperability on the EastLink project and to simplify the process by which a person may avoid or transfer owner-onus liability for certain parking, traffic and tolling fines. It is the responsibility of those of us on this side of the house, every time we rise to speak on a bill involving the EastLink project, to remind ourselves, and in particular to remind the government, that the project was once called the Scoresby–Frankston freeway. We need to make sure that people do not forget the broken

promise of the Bracks government after the 2004 election.

I was interested to listen before lunch to an interjection from the member for Bentleigh, who effectively said that time had moved on and people were not going to worry. Does that mean that time washes away broken promises? I do not think that time does wash away broken promises. It may wash that promise away for the member for Bentleigh, because he has no conscience and no scruples, but it will not wash it away for other people. It was an act of treachery when the Bracks government broke a clear election promise not to have tolls on what was then called the Scoresby–Frankston freeway. The government has changed the name now to EastLink, thinking that people will forget about that broken promise, but we all know they will not forget.

Even more interestingly, at the table we have the Minister for Roads and Ports. At the time of both the promise and the broken promise the Minister for Roads and Ports was the Premier's chief of staff. Let us start thinking about who is who in the zoo here. I repeat: the present Minister for Roads and Ports was the Premier's chief of staff when the Premier made a promise not to have tolls on the Scoresby–Frankston freeway, and he was also the chief of staff when that promise was broken.

Mr Hudson — Get back on the bill.

Mr WALSH — This is on the bill; it is about EastLink. To my mind that same chief of staff was the architect of what we will now call the seven dark years of the Bracks government, with its broken promises, including promises to govern for all Victoria, promises to be open and accountable — —

Honourable members interjecting.

Mr WALSH — He was the chief of the staff of a Premier who was promising to be open and accountable. He was probably the person who dreamed up the promise and then dreamed up the breaking of the promise. We probably have the fox in charge of the chicken coop, if the truth really be known.

Mr Crutchfield — At least foxes now have a bounty, mate.

Mr WALSH — I know it is unruly to respond to interjections, but as I understand it, Acting Speaker, the fox tails actually have to be singed to prove they came from a bushfire area before the bounty on them can be claimed!

The ACTING SPEAKER (Mr K. Smith) — Order! You are probably better off not answering interjections after that one!

Mr WALSH — The issue of interoperability is quite important. People will need to have only one e-tag, not two, to move between Melbourne CityLink and EastLink. A lot of us have seen proof that interoperability works well interstate — that is, if you are in Sydney your Melbourne e-tag works, and vice versa. However, one of the things about this interoperability is that when those of us who have a CityLink e-tag go down EastLink, every time we go under a recorder and the tag beeps we will remember the broken promise of the Bracks government and the broken promise of the then chief of staff, now the Minister for Roads and Ports.

The member for Rodney, who is the lead speaker for The Nationals in this debate, talked about country roads and issues concerning road safety in particular. With the broken promise on the EastLink project, or what was called the Scoresby–Frankston freeway, a lot of money should be freed up for other road projects in Victoria, particularly country road projects. As we all know, if you spend money on country roads you actually save lives. The huge saving the government has made by breaking its promise on EastLink means there should be a lot of money it can spend on country roads to make sure we actually save lives on country roads.

I would like to finish by talking about the Liberal Party's proposed amendment to remove clause 16 from the bill. In some ways this clause reminds me of the Water Amendment (Critical Water Infrastructure) Bill that we debated in this place not that long ago, because it is about taking away people's rights. This is a government whose members when in opposition continually argued that governments should not take away people's rights, should not be secret and should not do things that disadvantage the individual. But how they changed their spots once in government! Here we have another bill that is taking away people's rights to object to having their land compulsorily acquired. It was the same with the water infrastructure bill. It is pleasing to see that the upper house is now going to send that bill back to this place to have it looked at again. Democracy is finally starting to work in Victoria after the last seven dark years of the Bracks government.

Mr Cameron — You do not want water to get transferred in Victoria, you want to send it to Adelaide.

The ACTING SPEAKER (Mr K. Smith) — Order! We do not need the Minister for Agriculture to get involved in this debate.

Mr WALSH — Fortunately, Acting Speaker, he is no longer the Minister for Agriculture. We now have a Minister for Agriculture who cares about agriculture.

The ACTING SPEAKER (Mr K. Smith) — Order! I ask the minister to keep out of the debate.

Mr WALSH — The Nationals support the proposed amendment to remove clause 16 from the bill. Despite the impassioned pleas and hysterical rhetoric of the member for Bentleigh, this would not make the bill unworkable. It would actually improve the bill and make sure that people's rights were protected. The Nationals support the Liberal Party's proposed amendment.

Mr CRUTCHFIELD (South Barwon) — It is certainly a great and additional pleasure to rise to speak to the Road Legislation Amendment Bill when you, Acting Speaker, are in the chair. I too am not quite as emotionally attached to this as the majority of members, being metropolitan members, who have spoken before the member for Swan Hill and me. However, I want to bring a regional perspective to the debate.

There are two points that I want to make, albeit extremely briefly after this long week. The first is about the interoperability clause in the bill, which will allow people like me and other country members — I think most members here would have a CityLink pass — to use EastLink. As a regional member it will mean that I will not have to have two e-tags and additional accounts. It is certainly a common sense outcome for both those tollways.

Mr Ingram interjected.

Mr CRUTCHFIELD — I do not know about Sydney. I note that the policy position on tolling is supported by The Nationals, and it is one that I, being a regional member, also support. I understand that projects of the scope of the Scoresby are not only national projects but Victoria-wide, multibillion-dollar projects that benefit all Victorians. I have no problems with tolling that project or other projects in the future, because it allows this government to spend more on projects in regional and country Victoria.

The other one that I want to touch on briefly is the Geelong ring-road. It certainly allows the Bracks government to spend some $400 million — —

An honourable member interjected.

Mr CRUTCHFIELD — No, and it means we do not have to toll those particular regional or rural roads and it allows us to invest more heavily in them. What I want to bring to the attention of this Parliament is that once again a federal election is closing in on us. With respect to stage 4 of the Geelong ring-road, we are asking the federal government to match our funding for the start of that stage. I note that the member for South-West Coast is at the table. Every council from Geelong to the border has that particular position — that is, that the federal government needs to match — —

The ACTING SPEAKER (Mr K. Smith) — Order! I am wondering whether the member for South Barwon might return to the bill in front of him.

Mr CRUTCHFIELD — I would remind you, Acting Speaker, to be a little bit more consistent in your rulings!

The ACTING SPEAKER (Mr K. Smith) — Order! I am. The member will return to the bill.

Mr CRUTCHFIELD — The policy position providing for tolling in urban areas allows governments such as the Bracks government to put additional resources into rural and regional roads and into projects like the much-needed ring-road — and specifically into stage 4 of the ring-road in Geelong.

Mr WAKELING (Ferntree Gully) — I am pleased to stand today to speak on the Road Legislation Amendment Bill. I would like to confirm the position of members on this side of the house that the opposition will not be supporting clause 16 of the bill. I draw the attention of members to the fact that new section 125(2), to be substituted by clause 16, states:

> The Minister may, by Order published in the Government Gazette, declare any area within 200 metres of the boundary of the Extended Project area to be an additional referral area for the purposes of this section.

It is typical of a government that is prepared to sell out the residents of Melbourne's east that we see, on top of the hypocrisy of the past, another piece of legislation that relates to the EastLink project. This just demonstrates how this government is prepared to ride roughshod over the people who live in my community.

As the member for Swan Hill pointed out just before, this bill and the clause we are discussing are reflective of the debate we had on the Water Amendment (Critical Water Infrastructure Projects) Bill a couple of months ago. In that bill the government was prepared to trample over the rights of Victorians without any due

process. We have seen that democracy is alive and well in this Parliament as certain provisions in that bill were rejected in the upper house, and rightly so. At one stage I probably felt a bit sorry for the Minister for Roads and Ports because he inherited a poisoned chalice in taking over this role. However, I was reminded by the member for Swan Hill that the minister was probably up to his neck in it in his former role as the Premier's chief of staff.

This government has a history of letting down the residents of Knox. In September 2002, as has been said before, the Premier promised the Victorian community that he would not deliver tolls in Melbourne's east. I did not say it and the Leader of the Opposition did not say it; it was the Premier of this state who said it. Not only that, but he put pen to paper and sent a letter to people in Melbourne's east confirming that promise. How do I know that? I received the letter. The people who live in my community all received the letter. We received the document which confirmed the government's position.

However, as we all know, a few months later, lo and behold, there was a change of mind and a change of position. Labor said, 'We won the election; we got away with it. Now let us put in place what we proposed to do all along and put a toll on the Scoresby'. This decision was vehemently opposed by members on this side of the house. At this point I would like to acknowledge the member for Scoresby and the federal member for Aston, Chris Pearce, for the work they did in helping to hold this government to account at a local level.

The decision was opposed by all organisations in our area. I was a member of Knox City Council at the time and it vehemently opposed the decision. The mayor at the time was an employee of the former member for Bayswater, but she came out and opposed the decision of her boss. That spoke volumes about the vehement hatred of the decision the government had made. The only people who were not prepared to speak out against this decision were members of the government and, more importantly, those members of the government who represented people in the east. The member for South Barwon has just reminded us that those members supported the tolls. They believed the issue would go away. Obviously it did not, because those members are not here in the house today.

It is no wonder that we now discover that the government is prepared to sell out this region once again. It is prepared to do whatever it takes, in a clandestine way, to sell out the residents of Melbourne's east. I have a question for the Minister for Roads and Ports who is at the table. If he does not know the answer, he might like to consult with the bureaucracy. How many residents who will be affected by clause 16 of the bill were consulted? I would be interested to know how many people were consulted about this. I am sure, as we saw with the decision to toll the freeway in the first place, nobody — and I mean nobody — in the east was consulted about the proposals in this piece of legislation. This government is not concerned about consultation. It talks a lot about listening and acting, but when it comes down to it, when you actually look at how this government operates on the ground, consultation is not part of its agenda.

I wonder if any current government member who will have this project in their electorate is prepared to stand up for their residents on this issue. I can only be guided by those who have participated in the debate thus far. To my knowledge, not one member of this government whose residents will be affected by this project has spoken on this bill. That speaks volumes for the way government members feel about their communities when it comes to ensuring that their rights are not overridden by a gazetted order.

While former government members in the east were not prepared to consult with their communities, I can assure the house that the east now has representatives who are prepared to go out and listen and who are prepared to fight for the issues and the concerns of people in Melbourne's east. We have seen this government ride roughshod over my community over public transport. The government promises a feasibility study for the Rowville rail link, or the tram to Knox, but this government is not interested in any of that. Former Labor members were silent on the issue.

Mr Stensholt interjected.

Mr WAKELING — I am sure the member for Burwood will be pleased to hear that members in the east will stand up for the concerns and issues of people who live in that part of my community, a community I am proud to represent. It is time for the government to do what it promised in its television advertisements during previous election campaigns. It should start listening, and then it should start acting.

Ms GRALEY (Narre Warren South) — It is a pleasure to rise and speak on the Road Legislation Amendment Bill. It is a great pleasure because roads are really important to people in my electorate of Narre Warren South. I must say that as the member for Narre Warren South I am very proud that the Bracks government is not just looking into building roads in

Narre Warren South, as suggested by opposition members, but is in fact building roads in my electorate. It is building the EastLink project and it is making changes to the Monash Freeway, which will greatly assist my constituents. I am very pleased to say that during the election campaign $22 million was promised for the upgrade of Thompsons Road. Contrary to what was suggested by opposition members earlier, as well as building EastLink we are doing other things in areas right across Melbourne.

I am very pleased to support this bill, because it makes a number of important amendments to facilitate the delivery of the EastLink project, it brings in operator onus for vehicles and it introduces the notion of interoperability. This is a very difficult word to pronounce, but it is a very simple, common-sense process that will be able to be used by commuters all over Melbourne and Victoria to make sure that their use of the road system is made easier. As a person who will be using all of these roads in the future, not only as I move about my electorate but also as I move about the country to visit my family, I can think of no better thing than just having one e-tag in my car.

As a person who has been in a private business and who has had to manage company cars, I am very pleased that the notion of operator onus will be introduced. Sometimes it is very difficult to track down who has been driving a car. This provision will assist companies and families which share vehicles in ensuring that the right person is held responsible for offences. I am glad that will be made much easier. While MPs take on the role of having statutory declarations declared in their offices, many people find it difficult to find the time to do that. I trust in the common sense and honesty of the residents of Narre Warren South and the people of Victoria and believe they can cope with that so it can be much better dealt with in the future.

I especially want to take up the point whenever I hear members across the chamber suggesting that the EastLink project is something that has impacted quite onerously on the Bracks government. When people were driving along the Monash Freeway and saw the EastLink project bursting ahead during the election campaign, I think they were very impressed. It is one of the reasons we recorded victories in seats such as Mitcham and Frankston. Those members are not in the house today to talk about it, but the fact is they are still in the house. That is not just to do with the fact that they are very good members.

An honourable member interjected.

Ms GRALEY — Yes, and the member for Burwood too!

Mr Mulder interjected.

Ms GRALEY — I am continuing to talk about what is happening on the EastLink project. The reason those members are still in the chamber is not only that they are good members of Parliament, as I have already suggested, but also that the people of Mitcham, Frankston, Burwood, Narre Warren South and Narre Warren North are very pleased to see this amazing road project being built and, I remind opposition members, ahead of time. They are very pleased that this is a government that is not just looking into it but delivering on it.

I am very pleased today that the Minister for Roads and Ports is at the table, because he is going to come out to my electorate soon and have a conversation with a number of people about a number of issues in his portfolio. That is an absolute sign of a minister interested in the issues affecting the people of the outer suburbs, because I can tell members now the Liberal Party does not give a damn about the south-east. I commend the bill to the house as a very good bill that will benefit greatly the ordinary everyday commuters of the south-east and the people of Victoria.

Mr LANGDON (Ivanhoe) — It is a great pleasure to add a brief contribution to the debate on the Roads Legislation Amendment Bill. Ivanhoe is in the north-east of Melbourne, and speaking from personal experience, a lot of the residents of Ivanhoe do not heavily use CityLink and probably will not heavily use EastLink because, being in the north-east, they are in between the two. But from time to time some of us will no doubt want to use CityLink and want to use EastLink. I rarely go to Frankston, but having seen the road being built and being quite impressed with its progress, I looked up how much time it will save me in getting down to Frankston. For the occasional times I go down that way, I look forward to its completion.

The aspect of the bill I wish to speak on is the interesting word ‘interoperability’. It is a very good word. Those residents in my area who do use CityLink and EastLink will want to have the one facility; they will not want to have two things on the dashboard or wherever. It will help all the residents of my area who will use it occasionally and perhaps even daily if they have to travel a lot. A lot of people travel large distances to work. Working in the city and at Ivanhoe, I do not necessarily use those areas very heavily, but many people do. The new process with its interoperability will certainly assist all of my residents

who may use it a lot. This is only a brief contribution to the bill, and only on that particular aspect, as other members have spoken on other aspects. I commend the bill to the house.

Mr CAMERON (Minister for Police and Emergency Services) — It is a pleasure to make this contribution as the member for Bendigo West. Members will appreciate that the way central Victorians generally get to Melbourne is along the Calder Highway. You would have to say that what the Bracks government is doing in terms of the upgrade of the Calder is fantastic work. We pressed ahead with that project and forced the federal government to buckle at the knees to come up with its half share.

When people get to the end of the Calder they come to CityLink, and while many people from central Victoria would not normally find themselves on the other side of town, there are times when that does happen. This is when both systems being able to speak to each other is very important. Someone with a CityLink e-tag will also be able to use EastLink. That is very sound, it is a very sensible principle and you would have to say to be able to negotiate these arrangements to make life simpler for people is a fantastic achievement by the Bracks Labor government. That is why I am right behind what the Minister for Roads and Ports wants to do and that is why Victorians are behind it as well.

Mr PALLAS (Minister for Roads and Ports) — I would like to thank all members for their contributions in respect of this bill. It is important that we recognise the project that is principally the subject of this legislation — and in that respect, of course, I refer to the EastLink project and the EastLink Project Act and the Melbourne City Link Act, which are the subject of amendments in the Road Legislation Amendment Bill. Those amendments put in place mechanisms that will facilitate the effective management not only of the road itself but also of the surrounding environment and area in which the road interacts with the community.

This is a project that quite a number of speakers in this chamber have made clear they see as being valuable. They recognise — some a little belatedly — the value of the economic contribution to the community. An investment of $2.5 billion has gone into this road. It is critical that we get right the appropriate legislative setting underpinning it. The likely economic effect of the construction around the road is estimated as being in the vicinity of $15.7 billion, and there will be around 6500 extra jobs in the area associated with the road once it becomes operational. It will cut something like 9 minutes off the average car journey for motorists using the road, so this is a critical project in the infrastructure of the state.

A series of contributions to the debate were around the concept of the referral authority and how the provisions in clause 16 will operate. I wish to turn directly to those provisions. It is important that we recognise that establishing the Southern and Eastern Integrated Transport Authority as the referral authority for land adjoining the EastLink extended project area will make it a formal referral authority. In relation to proposed land developments, the clause extends the area over which SEITA will be a formal referral authority. It does not give SEITA any power of veto, but it ensures that the authority will be informed about and able to comment on any proposed developments on the project boundary, in particular proposed developments near the tunnel.

This is obviously important. If someone is proposing to build an unusually heavy structure or if other activities are proposed to be undertaken in proximity to some of the areas that are obviously sensitive — —

Mr Mulder — Spell them out.

Mr PALLAS — The tunnel. There are clearly activities that need to be regulated. We cannot, for example, have blocks of flats that undermine the structural integrity of the tunnel. That is an obvious one. The clause applies if somebody wants to sink a bore near that facility or seeks to undermine the structural integrity of the road in any other way.

The referral authority powers are not new to government. Whilst there was some comment from members on the other side of the chamber, there was a general recognition that ultimately the bill serves a good purpose. Certainly there was a recapping of history and comment about what some believe to be the manner in which the road should in their view probably have been built. I have to tell members that the people of the eastern suburbs have moved on. They see a substantive benefit about to befall them. The economic benefit is happening now.

The history of legislation and the power under which we provide referral authority capacities is not new to this Parliament. For example, section 22 of the Melbourne City Link Act conferred wider powers on the former Melbourne City Link Authority — it was over any matter affecting land within the project area. Under the SEITA changes the referral authority has powers over an area up to 200 metres from the project, and it is defined by maps. So far as we are concerned the SEITA changes make it clear that SEITA has a

capacity, within defined parameters, to protect the public good. Ultimately that is what we hope to be able to ensure will occur.

I wish to make an obvious note: the benefit of this legislation far outweighs any of the purported slights or injustices that members opposite believe have occurred in the past. I must say that this government has gone about the task diligently and SEITA has gone about the task comprehensively, working towards building a major construction project which will be of substantive benefit to the people of the east and south-east of Melbourne. Importantly I do not say this on my own: I say it on the basis of the general work the government has done and the general recognition of the improvements in road development that have been made in the area.

So far as the government is concerned, there were further discussions about issues such as the desirability of interoperability and the broader definition of 'a trip'. The bill provides that people will be able to break a trip without the need for physical barriers such as gantries being the sole determinant of a trip but rather the manner and period in which a trip is taken. That will provide greater flexibility for users. Interoperability is a critical thing contained in this bill. The government has made it clear that, if the tolling companies cannot reach agreement on these matters, through the concession deed agreement has been reached with EastLink to guarantee that there will be interoperability arrangements. Members of the government, and I am sure members opposite, do not want a situation in which people in the eastern and south-eastern suburbs are required to have two e-tags. As a consequence, interoperability is critical. We must get this right.

I believe the proposed powers that will be put in place by the bill are responsible and efficient. They will effectively ensure not only that we will have a great road which will be an asset for Victoria but also that the people of Victoria who seek to use the road will be able to use it efficiently, without the unnecessary administrative burden of having to have multiple e-tags. I commend the bill to the chamber.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr MULDER (Polwarth) — I move:

1. Clause 1, page 2, lines 11 to 15, omit all words and expressions on these lines and insert —

   "(d) to amend the **EastLink Project Act 2004** to redefine the meaning of trip;".

Amendment defeated; clause agreed to; clauses 2 to 15 agreed to.

Clause 16

Mr MULDER (Polwarth) — I invite members to vote against this clause. In relation to comments made by the minister, in particular about the referral powers for the project that were given in relation to CityLink, the minister has overlooked the fact that not only does EastLink have powers over the project area but also it has been given a referral power over an extended project area and now it is asking for power over a further 200 metres beyond the extended project area. To me this is almost like looking out of my front door at Lake Colac each morning, where each day I see that the water level has gone out just that little bit further.

You can understand why members such as the members for Bayswater, Ferntree Gully and Warrandyte, who represent constituents in that area, are very concerned about this clause. When the member for Mitcham turns up for the division I hope he supports the constituents in his area, who I believe would also have extensive concerns about this clause.

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived and I am required to put the following question. The question is:

That clause 16 stand part of the bill.

House divided on question:

Ayes, 44

Allan, Ms	Ingram, Mr
Andrews, Mr	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brumby, Mr	Lim, Mr
Cameron, Mr	Lobato, Ms
Campbell, Ms	Lupton, Mr
Carli, Mr	Maddigan, Mrs
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Overington, Ms
Graley, Ms	Pallas, Mr
Green, Ms	Pandazopoulos, Mr

Hardman, Mr
Harkness, Dr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Richardson, Ms
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 31

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Question agreed to.

The DEPUTY SPEAKER — Order! The question is:

That clauses 17 to 20 inclusive be agreed to, the bill be agreed without amendment and the bill be now read a third time.

House divided on question:

Ayes, 46

Allan, Ms
Andrews, Mr
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Graley, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Merlino, Mr
Morand, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Richardson, Ms
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 31

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Question agreed to.

Remaining stages

Passed remaining stages.

MAJOR EVENTS (AERIAL ADVERTISING) BILL

Second reading

Debate resumed from earlier this day; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LEGAL PROFESSION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL

Second reading

Debate resumed from earlier this day; motion of Ms PIKE (Minister for Health).

The DEPUTY SPEAKER — Order! The question is:

That the bill be now read a second time and a third time.

House divided on question:

Ayes, 45

Allan, Ms	Hulls, Mr
Andrews, Mr	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Lupton, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Neville, Ms
Duncan, Ms	Overington, Ms
Eren, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Richardson, Ms
Haermeyer, Mr	Scott, Mr
Hardman, Mr	Seitz, Mr
Harkness, Dr	Stensholt, Mr
Herbert, Mr	Thomson, Ms
Holding, Mr	Trezise, Mr
Howard, Mr	Wynne, Mr
Hudson, Mr	

Noes, 33

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms
Napthine, Dr	

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

BUILDING AMENDMENT (PLUMBING) BILL

Statement of compatibility

Mr CAMERON (Minister for Police and Emergency Services) 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 Building Amendment (Plumbing) Bill 2007.

In my opinion, the Building Amendment (Plumbing) Bill 2007 as introduced in 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 amends the Building Act 1993 (the act) to:

modernise the existing regulatory framework and improve the operation of the plumbing regulations to reflect current workplace best practice;

enable registered plumbers to undertake specialised plumbing work under the supervision of licensed plumbers;

make some minor and administrative amendments to improve the operation of the Building Act 1993 and to remove uncertainties about the coverage of certain aspects of the regulations

Human rights issues

1. Human rights protected by the charter that are relevant to the bill.

Section 13: right to privacy and reputation

The only human right that might be impacted by the bill is the right to privacy under section 13 of the Charter of Human Rights and Responsibilities Act 2006. This provision states that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

It is considered that although clauses 13 and 19 of the Building Amendment (Plumbing) Bill 2007 (the bill) engage the section 13 right they do not limit that right.

Clause 13 of the bill amends section 221ZZZA of the act to enable a compliance auditor to enter a residence or land on which a residence is situated outside the hours of 8.00 a.m. to 6.00 p.m.

Clause 19 of the bill amends section 229 of the act to enable an authorised officer to enter a residence or land

on which a residence is situated outside the hours of 8.00 a.m. to 6.00 p.m.

These provisions do not limit the right to privacy because the interferences with privacy are not unlawful or arbitrary. They are not unlawful as they will be provided for in this act and extend the right to lawful entry provided for in the Building Act 1993 by enabling entry outside the hours of 8.00 a.m. and 6.00 p.m.

Entry is also not arbitrary because of the safeguards provided in the amendments. A compliance auditor and an authorised officer already have the capacity under the existing provisions of the Building Act to enter a residence or the land on which the residence is situated between the hours of 8.00 a.m. and 6.00 p.m.

The amendment that provides the power to enter outside those hours is limited by the requirement that the written consent of the occupier must be obtained before entrance can be obtained outside those hours. Further the amendment provides that a compliance auditor and an authorised officer must first inform the occupier of the purpose of the inspection before obtaining consent.

The purpose of the amendment is to facilitate the inspection of plumbing work at a more convenient time than is currently available.

The Plumbing Industry Commission audits a minimum of 5 per cent of all plumbing work carried out in Victoria and upon receipt of a claim of defective plumbing work by an owner or occupier inspects the plumbing work carried out in Victoria.

The audits and inspections require attending the site and inspecting the work undertaken by appointment with the owner or occupier and usually with the plumber in attendance. The appointment is made by the auditor or authorised officer at such time as is mutually agreeable with the owner or occupier.

Regularly the time of the appointment is outside the hours of 8.00 a.m. to 6.00 p.m. and is often at the request of the owner or occupier due to their commitments. However, given the wording of sections 221ZZZA and 229 there is an issue whether an owner or occupier has any discretion to allow such an inspection to take place despite such an inspection being convenient for the owner or occupier.

The amendments to sections 221ZZZA and 229 will unambiguously give an owner or occupier discretion to permit entry for an inspection outside the hours specified in the current section.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not limit human rights, it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit human rights.

JOHN THWAITES, MP
Minister for Water, Environment and Climate Change

Second reading

Mr CAMERON (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

I am pleased to present the Building Amendment (Plumbing) Bill to the house today. The purpose of this bill is to introduce a number of improvements to the legislation regulating the plumbing industry.

The proposals in this bill assist in adopting a consistent approach to the building sector as a whole by bringing aspects of the plumbing regulatory regime into line with that underpinning building.

The proposals included will:

modernise the existing regulatory framework;

enable registered plumbers to undertake specialised plumbing work under the supervision of licensed plumbers; and

make some minor amendments to improve the operation of the act and to remove uncertainties about the coverage of certain aspects of the regulations.

Modernise existing regulatory framework

The proposal will amend the Building Act to reference the Plumbing Code of Australia in a similar way to how the act currently references the Building Code of Australia. Currently, the act limits plumbing regulations to setting standards fixed at a point in time. This means that every time the Plumbing Code of Australia, which is being adopted as the national yardstick, is amended the plumbing regulations need to be changed before the changes can be applied. Whereas comparable building, gas and electricity regulations already apply prevailing industry standards.

Plumbing regulations need to avoid requiring plumbers to adhere to outdated standards and to promote innovative performance-based solutions. The proposal will enable the regulations to adopt the Plumbing Code of Australia as it is modified from time to time. This statutory solution reflects our existing approach in the act to the Building Code of Australia and will facilitate more efficient operations in the plumbing industry.

Enable registered plumbers to undertake specialised plumbing work

Currently registered plumbers (who are not required to be insured) can carry out plumbing work on behalf of a

licensed plumber, except where the work is specialised plumbing work.

This has an impact on housing affordability as the work can only be undertaken by a licensed plumber. The proposal will enable a suitably qualified registered plumber to do specialised plumbing work under the supervision of a licensed plumber.

Enabling registered plumbers to carry out specialised plumbing work under the supervision of licensed plumbers opens up specialised work to a larger number of qualified people without removing the controls designed to ensure amenity, health and safety. Having more plumbers able to do the work will reduce the cost to consumers. It will also enable licensed plumbers to have greater flexibility in how they run their businesses.

Make minor amendments

This bill also makes a small number of additional amendments which are designed to improve the operation and effectiveness of the act.

These proposals will also contribute to consistency in the building sector by bringing aspects of the plumbing regulatory regime into line with that applying to building generally.

The proposals remove a number of anomalies from the plumbing provisions of the Building Act, namely:

clarifying that the act empowers regulations to prescribe product standards;

clarifying that the offence of breaching plumbing laws applies to plumbers directly not only when a licensed plumber supervises work that is defective or in breach of plumbing laws;

enabling an owner to obtain the compliance certificate within a specified time from a registered building practitioner who has been given the compliance certificate;

realigning the enforcement of plumbing laws with existing arrangements for the rest of the act by allowing an infringement notice to be issued for a prescribed offence under part 12A of the plumbing regulations; and

in relation to inspection of plumbing work enabling after-hours access to dwellings with the agreement of the occupier.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 3 May.

EQUAL OPPORTUNITY 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 (the charter), I make this statement of compatibility with respect to the Equal Opportunity Amendment Bill 2007 (the bill).

In my opinion the bill, as introduced in 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 amends the Equal Opportunity Act 1995 to include a new attribute of employment activity on the basis of which discrimination is prohibited. The new attribute aims to protect employees from discrimination where the employee, in their individual capacity:

makes a reasonable request to their employer for information regarding their employment entitlements;

communicates to their employer a concern that they have not been, are not being or will not be given some or all of their employment entitlements.

The bill also inserts a definition of 'employment entitlements' into the Equal Opportunity Act 1995 which means the rights and entitlements of an employee under an applicable:

contract of service, which includes a workplace agreement, employment agreement or award within the meaning of the Commonwealth Workplace Relations Act 1996;

contract for services;

Victorian act (for example the Long Service Leave Act 1992) or an enactment (which is defined in section 4(1) of the Equal Opportunity Act 1995 to mean a subordinate instrument, such as regulations);

law of the commonwealth, which includes employment entitlements that arise under the Workplace Relations Act 1996 such as the Australian fair pay and conditions standard.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

Section 3(1) of the charter defines discrimination, in relation to a person, to mean discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act.

The effect of adding the attribute of employment activity into the Equal Opportunity Act 1995 will mean that discrimination under the charter will now include a new ground on the basis of which discrimination is prohibited, namely, a person's employment activity.

For example, section 8(2) of the charter provides that everyone has the right to enjoy his or her human rights without discrimination. This will now be taken to mean that everyone has the right to enjoy his or her human rights without discrimination on the basis of employment activity (as inserted by the bill).

The bill therefore enhances human rights without limiting them.

2. Consideration of reasonable limitations — section 7(2)

The bill does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with, and does not limit, the human rights protected by the charter.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

In March this year, we marked the first anniversary of the commencement of the commonwealth's WorkChoices legislation. This legislation has severely undermined the conditions and security of working families across Australia and has radically shifted the balance of the employer-employee relationship away from Victorian working families.

The Howard government's changes to workplace relations laws have caused confusion for many working Victorians. The refusal of institutions such as the Australian Fair Pay Commission to publish wage scales, for example, has meant that no commonwealth agency is prepared to take responsibility for publishing accurate information for Victorian workers about their entitlements.

This government has responded to WorkChoices by acting to protect the rights of Victorian workers wherever possible. We have established the Office of the Workplace Rights Advocate to ensure Victorian workers have access to information about their entitlements.

However, in the equal opportunity area, the government is concerned that employees are not adequately protected from discrimination if, in their individual capacity, they query or raise concerns with their employer about their wages and conditions.

An employee should be able to approach their employer about these issues without fear of recrimination or penalty. However, some employees are afraid to do so, feeling vulnerable and insecure even in these standard interactions.

In part this is a consequence of the retrograde changes to unfair dismissal laws by the Howard government. These changes have created a climate of fear and vulnerability for working Victorians. This makes some employees reluctant to raise issues about their entitlements at the workplace.

This is particularly the case for employees such as young workers with little workplace experience and limited knowledge of their entitlements, workers returning to the workplace after extended leave and workers for whom English is not their first language. Many employees with these backgrounds have considerable concerns about raising legitimate queries at their workplace about their entitlements.

While collective industrial activity is protected under the Victorian Equal Opportunity Act 1995 this does not protect employees acting in their individual capacity. Furthermore, federal industrial relations laws provide only limited redress. Unfair dismissal rights have been removed from many employees, including those who work at companies with less than 100 employees or those employed for less than six months. Federal unlawful termination provisions are narrow in their scope and are unlikely to be helpful to employees in this situation. Federal freedom of association provisions would only provide protection if the employee complained to an enforcement agency or their union but would not protect an employee who raised issues directly with their employer.

The government believes that no Victorian worker should be fearful when asking their employer about their employment entitlements.

This bill addresses the limitations by amending the Victorian Equal Opportunity Act, which is an act that provides an important means of ensuring fair treatment for all Victorians. The act prohibits discrimination on the basis of specified attributes in certain areas of public life, one of which is employment.

In amending the Equal Opportunity Act in this way the Bracks government is delivering on one of the

commitments it made to Victorians in the 2006 election.

The bill inserts a new attribute into the act, that of employment activity, on the basis of which it will be unlawful for an employer to discriminate against an employee.

The attribute covers two types of activity by an employee acting in their individual capacity: making a reasonable request to their employer for information regarding their current employment entitlements, and communicating a concern to their employer that some or all of their employment entitlements have not been, are not being or will not be given to them.

The bill also includes a definition of employment entitlements: these are the employee's rights and entitlements under an applicable industrial instrument such as an award or workplace agreement, contract of service, contract for services and under state and commonwealth legislation. This includes employment entitlements that arise under the commonwealth Workplace Relations Act 1996 such as those under the Australian fair pay and conditions standard.

The attribute is intended to cover standard workplace interactions. Requests for information will not extend to questions unrelated to an employee's employment entitlements but will cover questions about the source of the employee's entitlements, what those entitlements are and whether the employee is being given them. It is not intended that the attribute provide a mechanism for negotiating a pay rise or other new employment entitlements.

A request for information can be made verbally or in writing, but the request must be reasonable. This means that the nature of the information sought about the employment entitlements should be reasonable and that the request should be made in a reasonable manner and at a reasonable time. For example, it would not be reasonable if a request were made in a violent or threatening manner or outside of the normal hours of work.

The attribute will operate within the current framework of the Equal Opportunity Act, and the Victorian Equal Opportunity and Human Rights Commission will receive complaints of discrimination on the basis of the new attribute.

In determining whether or not an employer has discriminated, it will not be relevant whether the employer intended to discriminate or treat the employee less favourably. This is consistent with the general principle under the Equal Opportunity Act that a person's motive is irrelevant to discrimination.

However, for a direct discrimination complaint to succeed, the employee's employment activity must be a substantial reason for the less favourable treatment.

This bill therefore promotes equal opportunity in the area of employment and extends protection to vulnerable employees who would otherwise be left without redress for harsh and discriminatory conduct. While the amendments cannot protect workers from all of these unbalanced laws, the Victorian government intends to do what it can to protect Victorian workers' hard-earned rights and entitlements from federal government attacks.

I commend the bill to the house.

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

Debate adjourned until Thursday, 3 May.

ACCIDENT TOWING SERVICES BILL

Statement of compatibility

Mr PALLAS (Minister for Roads and Ports) 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 table a statement of compatibility for the Accident Towing Services Bill.

In my opinion the Accident Towing Services Bill 2007, 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 the bill

The bill is an integral step in the government's continuing reform of land transport policy and legislation and the Transport Act 1983 in particular. It introduces a new stand-alone Accident Towing Services Act which contains a contemporary policy and legislative framework for the regulation of accident-towing services.

The purpose of the bill is to provide for safe, efficient and timely accident towing in Victoria. The objective of the bill is to:

(a) promote the safe, efficient and timely provision of accident towing services and other related services;

(b) to ensure that persons who are providing accident towing services —

(i) are of appropriate character; and

(ii) are technically competent to provide the services; and

(iii) act with integrity and in a manner that is safe, timely, efficient and law abiding, and in particular, that they have regard for vulnerable people.

The main features of the bill are that it:

generally replicates the existing regulatory framework in division 8 of part VI of the Transport Act 1983 (licensing restrictions, the accident towing allocation scheme, strict probity checks and obligations at accident scenes) but with policy and drafting improvements. These provisions remain necessary to manage the unique features of the accident towing industry;

deregulates the trade towing sector;

introduces an accreditation scheme for towing operators, managers and drivers to help ensure that these persons are of appropriate character and act with integrity and in a manner that is safe, timely and law abiding;

vests necessary administrative powers and functions in VicRoads;

provides for improved and proportionate enforcement powers and sanctions; and

reflects changes agreed with industry after consultation held during 2005 and 2006.

The new accreditation scheme is designed to improve service levels to accident victims by requiring that operators maintain a formal complaints handling system. This will address the concern that currently there are inadequate commercial incentives for accident towing operators to improve service quality. It will also help provide relevant information to VicRoads to assist them to monitor industry service quality levels.

The existing 'fit and proper' probity checks in the Transport Act 1983 have been reviewed and have been adopted in the accreditation schemes for towing operators, depot managers and tow-truck drivers to ensure that high level character standards apply to these industry roles.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The human rights that the bill will have an impact upon or engage are as follows.

Section 12 — freedom of movement

Division 9 of part 2 of the bill contains provisions relating to the operation of tow trucks in controlled areas and engages the right to freedom of movement provided for in section 12 of the charter. Specifically:

clause 41 provides that a police officer or authorised officer may direct a person to leave a restricted road accident area (within 500 metres of an accident-damaged vehicle at an accident scene) if he or she believes on reasonable grounds that the person's presence is hindering traffic, hindering attending to injured persons or damaged property or obstructing the towing of motor vehicles;

clause 42 makes it an offence for regular tow-truck licence holders to attend a 'road accident scene' (defined in clause 4 of the bill) in the tow truck in a 'controlled area' (defined in clause 4) unless the licensee has been authorised to do so;

clause 44 prohibits regular tow-truck licence holders from towing accident-damaged vehicles on designated roads unless the licensee has been authorised to do so; and

clause 51 prohibits a regular tow-truck licence holder from attending a road accident scene in a tow truck in a 'self-management area' (defined in clause 4) unless the licensee has been authorised to do so.

These provisions engage a person's right to move freely within Victoria as they restrict persons attending within close proximity of a road accident scene and restrict regular tow-truck licence holders from travelling through certain areas without prior authorisation.

Section 13(a) — privacy

The following provisions of the bill engage the right to privacy provided for in section 13(a) of the charter:

The power to collect personal information:

clause 18 requires applicants for a tow-truck licence to provide information reasonably required by VicRoads in order to assess an application for a licence;

clause 30(2)(b) requires holders of a tow-truck licence to provide prescribed or other information reasonably required by VicRoads to assess an application for transfer of the licence;

clause 31(1)(b)(ii) provides that VicRoads must record an approved transfer of a tow-truck licence containing information reasonably required by VicRoads in the register kept under the act;

clause 31(3) allows VicRoads to record the name and address of the new holder of a tow-truck licence following a transfer;

clause 60 requires applicants for industry operator or depot manager accreditation to provide information reasonably required to assess the suitability of an applicant in the manner and form determined by VicRoads;

clause 61 requires applicants for industry operator or depot manager accreditation to provide further information as requested by VicRoads which is reasonably required to assess the suitability of the applicant;

clause 77 requires the accredited person to notify a change in address to VicRoads within seven days;

clause 102 requires applicants for tow-truck driver accreditation to provide information reasonably required to assess the suitability of an applicant in the manner and form determined by VicRoads;

clause 103 requires applicants for tow-truck driver accreditation to provide further information as requested by VicRoads which is reasonably required to assess the suitability of the applicant; and

clause 118 requires accredited tow-truck drivers to notify a change in address to VicRoads within seven days of changing address.

VicRoads may obtain information regarding criminal convictions of applicants for accreditation:

clause 62 allows the Chief Commissioner of Police to notify VicRoads of any relevant findings of guilt of an applicant for industry operator or depot manager accreditation;

clause 92 requires an accredited operator or depot manager to notify VicRoads if found guilty or charged with an offence listed in clause 1 or 2 of schedule 2 within seven days. The Chief Commissioner of Police may also notify VicRoads of relevant findings of guilt in relation to an accredited person;

clause 104 allows the Chief Commissioner of Police to notify VicRoads of any relevant findings of guilt of an applicant for tow-truck driver operator accreditation; and

clause 136 requires an accredited tow-truck driver to notify VicRoads if found guilty or charged with an offence listed in clause 1 or 2 of schedule 2 within seven days. The Chief Commissioner of Police may also notify VicRoads of relevant findings of guilt in relation to an accredited person.

An accredited person must notify of suspension or cancellation of accreditation:

clause 93 requires an accredited operator to notify any persons employed to drive a licensed tow truck of any suspension or cancellation of operator accreditation within seven days; and

clause 137 requires an accredited tow-truck driver to notify the tow-truck licence holder who employs him or her of any suspension or cancellation of driver accreditation within 28 days.

The powers to disclose or publish personal information:

clauses 96 and 140 provide that VicRoads may, if it considers it necessary for the provision of safe towing services, disclose to any person, or publish, information obtained or collected for industry accreditation or driver accreditation purposes respectively (but it cannot identify any person in the case of publication); and

clause 235 amends section 92(3) of the Road Safety Act 1986 to allow VicRoads to disclose information in accordance with regulations for the purposes of the Accident Towing Services Act 2007.

The power to inspect, enter and search tow trucks and seize materials:

clause 181 provides that an inspector (a police officer or authorised person) may inspect and enter a tow truck to determine whether the act, regulations or service standards are being complied with;

clause 182 provides that an inspector may enter and search a tow truck that he or she believes on reasonable grounds may provide evidence of a contravention of the act, regulations or service standards. (It does not authorise an inspector to search persons.); and

clause 185 provides the above powers may be exercised without the consent of the driver or other person in charge of the tow truck.

The power to inspect, enter and search premises and seize materials:

clause 186 provides that an inspector may, with the consent of the owner or occupier, inspect and search premises used to conduct an accident towing service or motor vehicle repair business if an inspector believes on reasonable grounds that a person has contravened the act, regulations or service standards;

clause 187 provides that an inspector may enter and inspect premises which are open to the public at that time;

clause 188 provides that an inspector may enter and search premises without consent between 9.00 a.m. and 5.00 p.m. or when open for business for the purpose of monitoring compliance with the act, regulations or service standards. An inspector cannot enter any residential premises;

clause 192 authorises an inspector executing a warrant to seize any thing not described in the warrant which the inspector reasonably believes could have been included in the warrant or is evidence of a contravention of the act, regulations or service standards and is necessary to seize to prevent its concealment, loss or destruction;

clause 194 authorises an inspector who enters and searches premises under clause 188 and who reasonably believes that information on electronic equipment may be relevant to determine whether the act, regulations or service standards have been complied with to operate the equipment, copy information or seize the equipment; and

clause 199 provides that an inspector who exercises a power of entry into premises may require the occupier to give information, produce documents or give reasonable assistance to the extent reasonably necessary for compliance purposes.

The above provisions raise, but do not limit, a person's right to privacy under section 13(a).

The right to privacy encompasses the idea that individuals should have an area of autonomous development, interaction and liberty — a 'private sphere' free from government intervention and from excessive unsolicited intervention by other individuals.

A law will contravene this provision if it interferes with a person's privacy 'unlawfully or arbitrarily'. An interference with privacy will not be 'unlawful' where the interference is permitted by law and where the provisions are precise and circumscribed so that there are not broad discretions in authorising an interference with privacy. An interference with privacy will not be arbitrary where it is in accordance with the

provisions, aims and objectives of the charter and is reasonable in the circumstances.

The interferences with privacy outlined above are not unlawful. The interferences will be provided for by law in this act. In addition, the provisions are detailed, only allowing for interferences with privacy for limited and legitimate purposes under the act. For example, the prescribed information which must be provided by applicants for three types of accreditation (industry operator, depot manager and tow-truck driver) is limited to that information which is reasonably required to assess the suitability of the applicant. Information such as whether an applicant for industry operator is solvent and can provide the complaints handling and reporting systems required under accreditation standards would fall within this category. Similarly, the act only authorises the disclosure of convictions which are relevant to the application.

The powers of VicRoads to disclose or publish personal information are sufficiently detailed and circumscribed so as to be a lawful interference with privacy. Information may only be disclosed under the act if this is necessary for the purposes of providing safe accident towing services and individuals cannot be personally identified in a publication. Information may only be disclosed in accordance with regulations made for the purposes of the Accident Towing Services Act 2007.

Similarly, the entry, search and seizure powers are limited by the requirement that it be for compliance purposes or that the inspector has reasonable grounds for suspecting that there has been a contravention of the act, regulations or service standards made under the act. The relevant provisions do not confer a broad discretion to enter property for any reason. These powers only impact on section 13(a) of the charter in relation to searching personal information. Given that the provisions are concerned with infringements relating to the person's business activities, the situations where these provisions raise the right to privacy will be very limited.

The above provisions do not confer broad discretions to interfere with privacy and contain precise scope limitations. They are therefore considered lawful.

The interferences with privacy are likewise not arbitrary. For example, accreditation of individuals is essential to the achievement of the objectives of the act, which include ensuring safe, efficient and timely clearance of accident scenes and protecting vulnerable persons from undesirable and illegal behaviour. It is essential that accredited persons are of appropriate character as they will be dealing with persons who may be traumatised, distressed or injured at road accident scenes. The collection of information (including information concerning prior criminal convictions) for the accreditation process is necessary to ensure that applicants are suitable and competent to carry out their functions as industry operators, depot managers or tow-truck drivers. The same reasoning applies in obtaining relevant information for applicants for a tow-truck licence.

The power of VicRoads to disclose or publish personal information is also not arbitrary. It is necessary to enable VicRoads to publish relevant industry statistics or reports on issues relating to providing safe towing services as this provides greater transparency and information for the industry and the general public.

The powers of inspectors to enter, search and seize materials from a tow truck or premises are necessary to enable effective monitoring, compliance and enforcement of the act, regulations and service standards. Without these powers, there is a risk that evidence may be destroyed or towing operations continued in breach of the act, which may increase risks to the safety of individuals (including vulnerable accident victims) and road safety generally. Effective law enforcement is essential to achieving the objectives of the act and the provisions establish a reasonable and proportionate means to facilitate the achievement of these objectives. They may only be exercised by inspectors carrying out their law enforcement functions under the act and regulations. Importantly, these powers are also consistent with the existing powers of police officers and authorised officers under the Road Safety Act 1986.

Therefore, it is considered that the above provisions do not limit the right to privacy as provided for in section 13 of the charter as they do not interfere with privacy either unlawfully or arbitrarily.

Section 15(2) and (3) — freedom of expression

Clauses 147, 148 and 149 engage the right to freedom of expression. The right to freedom of expression protects the exchange of information and ideas in any medium, including orally, in writing, in print or by way of art.

Clause 147 prohibits persons from touting and soliciting accident victims for repair services for accident-damaged motor vehicles at road accident scenes. The combined effect of clauses 148 and 149 is to prohibit persons (such as tow-truck drivers) from touting and soliciting accident victims for towing services at road accident scenes in a controlled area where the persons do not have authorisation from the allocation body to attend the scene.

If touting or soliciting can be regarded as a form of expression protected by the charter, these clauses engage sections 15(2) and (3).

Clause 199 also engages the right to freedom of expression by compelling a person to express information. It provides that in certain circumstances an inspector searching premises may require the occupier of the premises to give information to the inspector, orally or in writing, to produce documents and to give reasonable assistance to the inspector.

Section 20 — property rights

Divisions 5 and 6 of part 6 of the act engages a person's right not to be deprived of his or her property other than in accordance with the law as provided for in section 20 of the charter. Clause 182 provides that an inspector may search any tow truck and seize and remove any documents, devices or things, if the inspector reasonably believes that they may provide evidence of a contravention of the act, regulations or service standards. Clause 186 provides that an inspector may seize anything in searching premises with consent of the owner or occupier if the inspector reasonably believes that a person has contravened the act, regulations or service standards. Any seizure from premises must be accompanied by a signed acknowledgement and consent from the occupier.

Clause 192 authorises an inspector executing a warrant to seize anything not described in the warrant where the inspector believes on reasonable grounds that the thing is of a kind that could have been included in the warrant or will

provide evidence of a contravention of the act, regulations or service standards and its seizure is necessary to prevent its concealment, loss or destruction, or use in contravening the act, regulations or service standards.

Clause 193 authorises an inspector executing a search warrant to seize or embargo any thing authorised by that warrant.

Clause 194 authorises an inspector who enters and searches premises under clause 188 and who reasonably believes that information on electronic equipment may be relevant to determine whether the act, regulations or service standards have been complied with to operate the equipment, copy information or seize the equipment. Equipment cannot be operated or seized unless the inspector reasonably believes the operation can be carried out without damage to the equipment.

While the above clauses may initially raise the right not to be deprived of property, they do not limit that right as the deprivation is occurring in accordance with law. This requires not only that the deprivation is authorised by law but also that the particular provisions are not arbitrary. The above provisions are not arbitrary as they set out the criteria which the inspector must consider to decide if property may be seized. Seizure may only occur for compliance purposes or an inspector must believe on reasonable grounds that the property may provide evidence of a contravention of the act, regulations or service standards. In addition, the power of inspectors to seize property at premises is limited to circumstances where the owner or occupier consents to the inspector entering the premises.

The provisions are essential for the investigation and collection of relevant evidence for effective monitoring and compliance with the act, regulations or service standards.

A number of other provisions in the act engage a person's right not to be deprived of his or her property other than in accordance with the law.

clause 25 enables VicRoads to impose, vary or revoke conditions on tow-truck licences;

clause 29 concerns restrictions on the transfer of tow-truck licences unless certain conditions are met;

clause 2 enables VicRoads to cancel or suspend licences; and

clause 50(2) extinguishes any entitlements (such as allocation roster entitlements) that apply to a tow-truck licence where that licence has been cancelled.

While tow-truck licences come within the term 'property' in section 20 of the charter, the imposition of license conditions and restrictions on transfer are not considered to amount to 'deprivations' of property. A deprivation must have a substantial effect on the owners' use and enjoyment of the property. Licence conditions tend to regulate the use of licences, for example, by stipulating that the licence is to be used in a certain area, but do not deprive the licence-holder of the ability to utilise the licence. Even if, in certain cases, a licence condition or restriction on transfer was to amount to a deprivation of property, the deprivation is lawful under the charter as it is authorised by law and is not arbitrary. The discretion to impose licence conditions is structured by the requirement that the licence-holder be informed in advance and have an opportunity to make written submissions before the condition takes effect. The restrictions on transfers of licences set out criteria which must be satisfied to ensure the suitability of the transferee.

Likewise, the provisions concerning the cancellation of licences and associated entitlements, while a deprivation of property, are lawful under the charter. The discretion to cancel licences is not unfettered but may be exercised if a licence condition has not been complied with or if the licence-holder has not complied with road safety laws. The provisions also give the licence-holder the ability to make written representations about the proposed cancellation of the licence before it takes effect, and may subsequently seek review of the decision. The provisions are therefore not arbitrary and are authorised by law.

Section 25(2)(k) — freedom from self-incrimination

Clauses 199 and 200 engage the right to be free from self-incrimination provided for in section 25(2)(k) of the charter.

This right means that a person charged with a criminal offence must not be compelled to testify against himself or herself. It restricts the use of evidence in criminal proceedings that was obtained from the accused by compulsion.

Clauses 199 and 200 provide that in certain circumstances an inspector searching premises may require the occupier of the premises to give information to the inspector, orally or in writing, to produce documents and to give reasonable assistance to the inspector. A person is not entitled to refuse to comply with this direction even if it may result in information being provided that might incriminate the person. However, the clause goes on to say that any information obtained is not admissible in evidence against the person in criminal proceedings other than in certain limited circumstances. These are:

proceedings in respect of the provision of false information;

where the information relates to the provision of the person's name and address; and

where the information is contained in a document or item that the person is required to keep by law or that was obtained without the direct assistance of the person.

2. Consideration of reasonable limitations — section 7(2)

Section 12 — freedom of movement

(a) the nature of the right being limited

The right to move freely in Victoria is an aspect of the right to freedom of movement provided in section 12 of the charter. This right is not dependent on any particular purpose or reason for a person wanting to move or to stay in a particular place. This right is not an absolute right in international human rights law. Under the charter, it may be subject to reasonable limitations that are demonstrably justified.

In this section the analysis and conclusions apply equally to the consideration of restrictions of movement in 'controlled areas' and in 'self-management areas'.

(b) the importance of the purpose of the limitation

Clause 41 is necessary for police officers and authorised officers to clear road accident scenes safely and efficiently by directing persons who are hindering traffic and efforts to attend injured persons or damaged property, and obstructing towing of motor vehicles. This power is restricted to a 500-metre radius of where an accident-damaged motor vehicle has come to rest after the road accident.

Clauses 42, 44 and 51 are required to prevent criminal and antisocial behaviour at accident scenes, and to protect accident victims (including what may generally be described as the 'consumer rights' of accident victims). The provisions are essential to ensure that accident scenes are cleared in an orderly and efficient manner, thus reducing road congestion and road safety problems after road accidents.

These limitations are necessary because previously unregulated conduct at accident scenes in Victoria resulted in an excessive number of tow trucks attending at road accident scenes and competing for accident-damaged vehicles. An excessive number of tow trucks at accident scenes has led to violence and assaults among tow-truck drivers competing for a limited number of towing jobs. A lack of regulation in the past also resulted in harassment of accident victims and hindered police officers and authorised road officers from efficiently clearing accident scenes therefore increasing road congestion and road safety risks.

(c) the nature and extent of the limitation

Directing a person to leave a restricted road accident area is limited to where the police officer or authorised officer reasonably believes that person is causing an unwarranted obstruction to traffic, hindering efforts to attend to injured persons or damaged property or otherwise hindering or obstructing towing of motor vehicles. It is limited to a 500-metre radius of the accident-damaged vehicle at a road accident.

The provisions restrict the movement of regular tow-truck licence holders in limited circumstances. The restrictions are narrow in scope as they only apply to tow trucks at accident scenes in controlled areas. Controlled areas may be determined by VicRoads by publication in the *Government Gazette*. Under current legislation the controlled area is the greater Melbourne metropolitan area.

Furthermore, the restrictions only apply where a person is driving a tow truck for private purposes. In the vast majority of situations a tow truck will be used for business activity. The tow truck must generally remain at the relevant depot because of the requirement in the bill and regulations for licence-holders to attend accident scenes in the controlled area within 30 minutes of receiving a job allocation. Licence-holders and employees are generally unlikely to travel in a tow truck for private purposes due to the availability of private motor vehicles and public transport for private travel.

(d) the relationship between the limitation and its purpose

The limitations are rationally connected to the purpose they seek to achieve since they establish a proven and effective means by which:

persons obstructing the safe and efficient clearance of road accident scenes are directed to leave; and

criminal and antisocial behaviour by tow-truck drivers at accident scenes can be limited.

Importantly, the limitations do not restrict the right to freedom of movement any more than is necessary to achieve this purpose. The restrictions are only applicable:

during the clearance of road accident scenes and within a 500-metre radius of the damaged motor vehicle; and

where tow trucks are being driven through accident scenes in controlled areas in a private capacity and are therefore not involved in the towing of accident-damaged vehicles for hire or reward.

Accordingly, the restrictions are narrow and focused on the purpose and objectives of the bill and are therefore proportionate.

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

No other means are considered reasonably available to achieve the purpose of the restrictions imposed. It is not possible to exempt tow trucks driving through accident scenes in controlled areas for private purposes. It would be impracticable for police officers and authorised officers to easily identify or ascertain whether tow trucks are being driven for a private purpose or not.

Section 15(2) and (3) — freedom of expression

(a) the nature of the right being limited

Section 15 of the charter is not an absolute right and so is capable of being limited in certain circumstances.

(b) the importance of the purpose of the limitation

The purpose of the limitation in clauses 147–149 is to protect road accident victims who are likely to be in a vulnerable state after a road accident (distressed, traumatised and sometimes injured), from harassment and inconvenience from tow-truck drivers competing for potentially lucrative towing and repair work.

This purpose is important because vulnerable accident victims:

should not be subject to touting or soliciting from tow-truck drivers who are not authorised to attend the accident scene (that is, tow-truck drivers who do not have a relevant job allocation to attend that scene); and

should be able to make an informed choice about vehicle repair after they have left the road accident scene. The accident victim frequently needs to make inquiries and to contact their insurer before engaging a vehicle repairer.

The purpose of the limitation in clause 199 is to determine compliance with the act, regulations or service standards. As part of an investigation an inspector needs to be able to ascertain the identity of an occupier and to obtain relevant information during entry into the premises.

(c) the nature and extent of the limitation

The prohibition in clauses 147–149:

only applies to persons who do not have a relevant job allocation and hence are not authorised under the bill to attend that accident scene;

against touting and soliciting for towing services only applies in a controlled area; and

against touting and soliciting for repair work to the accident-damaged vehicle applies within and outside controlled areas.

A 'controlled area' may be determined by VicRoads by notice published in the *Government Gazette*. Under current legislation the controlled area is the greater Melbourne metropolitan area.

The requirement to provide information in clause 199 is limited to the extent that the information is reasonably necessary to determine compliance with the act, any regulation made under the act or a service standard. It is also limited to where an inspector exercises a power of entry under division 6 of the act.

(d) the relationship between the limitation and its purpose

In relation to clauses 147–149, there is a direct connection between these limitations on the right to freedom of expression and the purpose that the limitations seek to achieve, namely the protection of vulnerable road accident victims. The provisions protect road accident victims from harassment by preventing unnecessary and excessive numbers of people (tow-truck drivers and vehicle repairers or their representatives) from attending accident scenes in a controlled area. The provisions also ensure that road accident victims can make an informed decision about the choice of vehicle repairer at a later time.

The provisions are not blanket prohibitions against touting and soliciting and apply only to persons who are not authorised under the act to attend the accident scene in a controlled area. It is considered that the bill provides a proportionate limitation or restriction on the right in order to achieve its purpose.

In relation to clause 199 the limitation is proportionate to achieve effective compliance as an occupier is only required to assist an inspector during entry to the extent reasonably necessary to determine compliance with the act, regulations or service standards.

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

No other means are considered reasonably available to achieve the purpose of the limitations or restrictions imposed.

Section 25(2)(k) — freedom from self-incrimination

(a) the nature of the right being limited

Section 25(2)(k) protects the right to be free from compulsory self-incrimination. It is not an absolute right and may be subject to reasonable limitations that are demonstrably justified.

(b) the importance of the purpose of the limitation

Clauses 199 and 200 limit the freedom from self-incrimination to enable effective investigation and law enforcement. It is important to ensure that inspectors are able to obtain documents required to be kept under the act such as authorities to tow, and to enable inspectors to ascertain who was driving a tow truck on a particular occasion.

(c) the nature and extent of the limitation

The provisions which limit freedom from self-incrimination do not permit the evidence to be used generally in criminal trials. It may only be used in very limited cases to show that false information was provided or to prove name and address information. Where the information was required to be kept under the act it is information which would otherwise be obtainable by inspectors and in any event, it is likely that obtaining documentary evidence does not offend this right.

The provision is also consistent with the recommendation in the parliamentary Law Reform Committee's report into the powers of entry, search, seizure and questioning of authorised officers that people should not be able to rely on a privilege to refuse to produce documents that they are required to keep under legislation.

(d) the relationship between the limitation and its purpose

The limitation is proportionate to achieve effective law enforcement and compliance with the bill because of the risks of non-compliance, given the alleged non-compliance and history of problems associated with the towing industry. The provision is based on a similar provision in the Road Safety Act 1986 regarding the power to investigate heavy vehicle related offences.

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

No other means are considered reasonably available to achieve the purpose of the limitations or restrictions imposed.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because while it does restrict human rights, the restrictions are reasonable and demonstrably justified in accordance with the criteria set out in section 7(2) of the charter.

TIM PALLAS, MP
Minister for Roads and Ports

Second reading

Mr PALLAS (Minister for Roads and Ports) — I move:

That this bill be now read a second time.

This bill is a major initiative which gives effect to the government's continuing commitment to improve Victoria's towing industry and road safety in general. In addition, the bill is a further integral step in the government's continuing reform of land transport

policy and legislation guided by best practice regulatory principles and analysis.

The prime focus of the bill is the improvement of regulation of the area of greatest need in the towing industry — accident towing services — while also removing unnecessary regulation in the trade towing sector.

Victoria's road safety performance over the past two years is better than that of all other Australian states. The Bracks government is committed to continuing road safety initiatives to reduce the incidence and severity of road accidents and to help ensure that our roads remain amongst the safest in the world. To this end, the Arrive Alive strategy contains a number of measures which aim to encourage safe behaviour by road users as well as improving the safety of roads themselves and the vehicles used on them. In addition, the government has sponsored a range of public education campaigns to further encourage the safe use of Victoria's road network.

A road accident is generally a very traumatic experience for those involved. Road crashes still occur too frequently, and there are currently about 72 000 accident tows per year from accident scenes undertaken by around 764 accident tow trucks operating in Victoria. Participants in the accident towing industry improve our road safety and management by assisting accident victims and taking care of what is often the victim's second most valuable possession, their motor vehicle, and by efficiently clearing accident scenes to restore road safety and reduce traffic congestion. While Victoria is renowned nationally for its clean towing industry, we must all remain watchful so that our accident towing industry continues to provide the best possible service in these difficult circumstances.

The bill preserves the effective and successful regulatory framework that has benefited Victorians for over 20 years and continues the state's leadership in this area. The bill will replace the existing towing services provisions in the Transport Act 1983 and introduce the state's first stand-alone Accident Towing Services Act as part of the government's ongoing reform of transport policy and legislation. The bill also introduces a modern and focused accreditation scheme to require accident towing businesses to concentrate on improving service to customers through complaints handling systems and monitoring.

VicRoads will be responsible for administering the legislation. This will complement its central role in road safety and traffic management while at the same time allowing the current responsible agency, the Victorian Taxi Directorate, to better focus its effort on regulation of the taxi industry in particular.

Continuing our effective towing services regulatory framework

The current regulatory framework for the towing industry in the Transport Act has remained fundamentally unchanged for over 20 years, the exception being a brief period of deregulation of tow-truck driver certification from 1993 to 1995. The key elements of this framework are:

a quota on licences for accident towing and heavy accident towing operators and 'as of right' licences for trade towing;

centralised allocation of accident towing jobs in the Melbourne controlled area (through the Accident Towing Allocation Centre managed under contract by the RACV);

price regulation of accident towing and storage charges within the controlled area; and

service quality regulation including:

probity checks for licence-holders and tow-truck driver authorities;

depot services requirements, record keeping, vehicle specifications and maintenance requirements; and

regulated procedures at crash scenes.

Before the introduction of this regulatory framework in 1983, the accident towing industry in particular had a well-known history of violent and criminal behaviour perpetrated by some tow-truck drivers. This behaviour included:

significant numbers of tow trucks (sometimes more than 10) frequently converging on accident scenes, often at high speed, with rival trucks being forced off the road;

standover tactics and conflicts between competing tow-truck drivers at accident scenes with incidents of physical violence and use of weapons;

intimidation and harassment of distressed accident victims to sign towing authorities;

damaged vehicles being hawked around smash repairers for the highest commission; and

police officers and authorised officers being obstructed or delayed in their critical duties of allowing the injured to be treated as quickly as possible and clearing accident scenes.

During the brief period of deregulation of tow-truck driver standards in the 1990s, the accident towing sector quickly deteriorated back to the bad old days before regulation.

This brief period of deregulation demonstrated that this industry can attract criminal activity and antisocial behaviour. As a result, tow-truck driver requirements were re-regulated by legislation in 1995 to protect crash victims and the public.

The government has reviewed the existing towing services framework a number of times in recent years and has concluded that retaining the existing regulatory framework is essential to address the unique problems in the industry and to protect accident victims and benefit road users. The reviews involved extensive consultation with stakeholders. Also, over the last two years there has been ongoing consultation with industry stakeholders on a proposal for an improved regulatory framework for the industry and a new stand-alone accident towing services statute.

Accordingly, the government is committed to retaining the existing regulatory framework, which has been effective for over 20 years. Therefore, the substantive provisions of the division 8 of part VI of the Transport Act 1983 relating to accident towing are largely retained by the bill, but in an improved and modernised form.

Accreditation — probity checks

The bill introduces one important addition to the existing regulatory framework for accident towing — industry accreditation. This initiative is aimed at improving existing industry performance. A person who wants to undertake a role within the industry either as an accident towing operator, depot manager or tow-truck driver will be required to obtain accreditation from VicRoads to perform the activities associated with that role. The purpose of the accreditation scheme is to provide assurance about a person's ability and credentials to perform that role. It will be an offence to undertake the activities without the appropriate accreditation. An operator will continue to be required to hold a licence for each tow truck being used to operate an accident towing business.

The existing probity requirements in the Transport Act for accident towing licences and tow-truck driver authorities have been transferred to the new accreditation schemes thus ensuring that there is no reduction of these standards in the industry.

Accreditation will help provide assurance that:

accident towing operators and depot managers are of suitable character and can meet service standards for complaints handling; and

tow-truck drivers are of suitable character and are competent to tow damaged motor vehicles away from crash scenes.

The roles performed in the accident towing industry are positions of considerable responsibility and the safety, trust and convenience of those involved in road accidents are imperative. The probity check will, for example, help to protect crash victims who are in a vulnerable state and who may get a lift home in a tow truck from the unacceptable risk of falling prey to a driver who has previously committed a serious criminal offence. It will also help protect accident victims from having their motor vehicle or possessions being mistreated at the depot by operators or depot managers.

Accreditation — service standards

Victorians are entitled to have confidence that the accident towing industry will provide a high level of service to accident victims during their time of distress and inconvenience. The government recognises this and is determined that industry service levels are maintained and improved. This was recognised in 2001 when the government announced that accreditation service standards would be introduced as part of the reform program for the accident towing industry.

The accreditation scheme has been developed with substantial stakeholder consultation through the tow truck reform implementation working group, capably chaired by my colleague the honourable member for Brunswick, Carlo Carli, MP, and other consultation processes conducted by the Department of Infrastructure over the last two years.

The unique characteristics of accident towing increase the risk that towing operators will provide poor service as, in economic terms, operators actually have incentives to lower service quality in order to increase profits or reduce costs. These characteristics are:

the trauma of a motor vehicle crash, which makes it hard for consumers to be either discerning about or focused on the quality of towing services;

the very small chance of repeat business to an operator from an accident victim;

the monopoly right of towing operators to perform an accident tow job (through the accident towing allocation system); and

fixed prices for accident tow-truck services.

The government is addressing the potential for lower than desirable levels of service quality, though it will not regulate more than is necessary to address this concern. It has therefore structured the new accreditation requirements in a way that will provide cogent evidence about service issues which can then be assessed and used to identify areas where service quality may need improvement.

There is currently no formal requirement for accident towing operators to have a complaints handling system. It is important that consumers have an avenue to raise and have considered their concerns about the quality of accident towing services. A complaints handling system is the crucial link that seeks to make operators accountable to their customers and increases the focus on responding to customer needs. This link would otherwise be provided in a competitive market but does not exist currently because of the unique characteristics of accident towing.

Hence, accreditation is limited in scope and focuses on the area of greatest concern — complaints handling. Accordingly, the bill provides that the minister can make accreditation service standards relating to complaints handling which operators and depot managers must meet. This measure addresses a gap in the current regulatory oversight of accident towing services and will provide much needed information on the service levels and customer satisfaction in the industry. Requiring operators to provide a complaints system and to report information to VicRoads assists operators to be more responsive to customer needs. It also allows VicRoads to focus resources on the areas of greatest need, to assess service levels and to take appropriate action. While the potential benefits of improved service quality are significant, the costs of introducing and maintaining accreditation are modest, particularly in regard to industry compliance costs.

The bill provides for accreditation service standards to be made by the Minister for Roads and Ports by gazette notice. This will enable the minister to respond with appropriate speed to industry issues as they arise. At the same time, it is recognised that there must be provision for adequate consultation on proposed standards. Hence, the bill requires the minister to consult with the Minister for Consumer Affairs, to make proposed standards available for public comment for a period of at least 28 days and to consider comments provided in that time before making a final determination.

Disciplinary action

An appropriate range of disciplinary actions must be available to VicRoads if there is to be an effective and proportionate response to problems which arise with particular industry participants. Under current legislation, non-criminal sanctions are constrained to suspension or revocation of an accident towing licence or driver authority. This provides limited flexibility to the regulator when it determines its compliance response. Consequently, in line with other best practice industry regulation, the bill contains a graduated hierarchy of disciplinary measures ranging from reprimands, improvement notices, imposition of conditions on accreditation through to suspension and cancellation of accreditation.

Deregulation of trade towing

Finally, the bill removes the regulation of trade towing, which encompasses breakdown, clear away zones and non-accident tows. This is consistent with the position in other major states. The government has found that there is no case for regulation of this sector as the trade towing market is already highly competitive and consumers are able to make an informed choice of trade towing services. This can be clearly contrasted with the accident towing services market. Further, licensing of trade towing is currently ‘as of right’, attracting nominal fees, thus ensuring that there is no capacity for the licensing authority to refuse a licence.

Deregulation will remove unnecessary costs to trade towing businesses and the initiative demonstrates again that the government is fully committed to removing excessive red tape and unnecessary regulation on business.

Conclusion

This bill establishes Victoria’s first stand-alone Accident Towing Services Act and provides a modern and secure platform for better performance in the towing industry. It continues and improves on a proven regulatory framework which has brought criminal and undesirable practices in the industry under control, and which has also protected crash victims and helped enable road accidents scenes to be cleared safely and efficiently in the interests of road safety and congestion management.

The bill also seeks to improve the performance of the industry by introducing a targeted accreditation scheme to ensure that complaints systems are introduced,

thereby encouraging accident towing participants to become more focused on providing better customer service. The bill also enables VicRoads to determine whether service quality is an issue that should be addressed, and to enforce the regulatory framework more effectively. Accreditation is introduced with minimal compliance costs to the industry and modest increased monitoring costs for government.

Victoria is the national leader in best practice regulation. Examples include our Third Wave of National Reform proposal at the Council of Australian Governments and our ongoing commitment to reducing the regulatory burden on business. The bill provides further evidence of this, by regulating only to the extent necessary to address market failures in accident towing and to provide wider public benefits such as protecting accident victims and improving road safety and traffic management. It also removes the regulation of trade towing, which is no longer necessary in a competitive market, thus reducing existing industry compliance costs in that sector.

The bill is the most significant initiative in accident towing control since the industry was first regulated. It is also a further essential step in the broader reform and modernisation of transport legislation in Victoria and, in particular, the restructuring and improvement of the Transport Act, using the best contemporary process and performance-based regulation and compliance techniques. It again demonstrates the government's continuing determination to protect vulnerable accident victims and improve road safety and traffic management for all road users by pursuing best-quality reform to correct market failures.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 3 May.

FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL

Statement of compatibility

Mr ANDREWS (Minister for Consumer Affairs) 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 Fair Trading and Consumer Acts Amendment Bill 2007.

In my opinion, the Fair Trading and Consumer Acts Amendment Bill 2007, 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 the bill

The bill amends the Fair Trading Act 1999 and a number of other consumer acts (as defined in schedule 1 of the Fair Trading Act). The amendments build on previous consumer protection initiatives aimed at enhancing Victoria's consumer protection legislation by streamlining availability of compliance and enforcement tools.

The focus of the bill is on increased access to civil remedies, such as injunctive relief, rather than focusing on criminal penalties, in order to provide more efficient and effective means of dealing with non-compliance with consumer protection legislation.

Human rights issues

The Fair Trading and Consumer Acts Amendment Bill 2007 provides for miscellaneous amendments to improve the operation of the relevant acts that it amends. The relevant rights under the Charter of Human Rights and Responsibilities which the bill will engage are:

Section 13: privacy and reputation

Clause 8 of the bill engages this right because it allows for a power of entry. This usually arises in cases of goods being stored on commercial property. However this power could potentially allow entry to a person's home, if an embargo notice has been issued in relation to a thing being stored in the person's home. The relevant thing may include, for example, goods that are dangerous if used by a member of the public. This power of entry can only be exercised if a warrant has been issued by the court. Importantly, the warrant can only be granted by a court in accordance with the rules relating to search warrants under the Magistrates' Court Act 1989. This does not limit the operation of the right to privacy or a person's right not to have his or her home arbitrarily interfered with.

The power is only available in a discretely defined circumstance, whereby the court determines that it is necessary to support the objectives of the Fair Trading Act 1999 to protect consumers. The exercise of this power is therefore lawful and there are safeguards in place to ensure that any interference with a person's rights under section 13 of the charter will not be arbitrary.

Therefore, this clause is compatible with section 13 of the charter.

Clause 27(3) of the bill also engages this right because it requires determinations made by the Business Licensing Authority (the authority) under the Conveyancers Act 2006 to be recorded on the conveyancers register, which may be made available to the public. This does not require the authority to make the determinations recorded available to the public. This remains a decision that the authority will make on a case-by-case basis, in accordance with the requirements relating to disclosure of personal information under the Information Privacy

Act 2000. Furthermore, a person can apply to the authority under the Business Licensing Authority Act 1998 to restrict public access to some or all of the personal information recorded on the register. The exercise of this power is therefore not an unlawful or arbitrary interference with a person's privacy.

Therefore, this clause is compatible with the right to privacy and reputation provided for in the charter of human rights.

Section 15: freedom of expression

Clause 8 of the bill might be seen to engage the right to freedom of expression. A person can be required to answer questions by this provision. However this can only occur if a court makes an order requiring the relevant person to do so. The court will only issue such an order if it is necessary for the purpose of monitoring compliance with an embargo notice issued under the Fair Trading Act 1999. Furthermore, this is not a wide power, allowing an order requiring anyone to answer questions, it is restricted to the owner of the goods the subject of an embargo notice, or the occupier of premises where the thing is kept or required to be kept under the embargo notice.

In addition, this power is subject to the protection against self-incrimination provided for under section 133 of the Fair Trading Act.

Therefore, this clause is compatible with the right to freedom of expression provided for in the charter. The bill does not limit the right to freedom of expression.

Section 20: property rights

A person must not be deprived of his or her property other than in accordance with law.

Clause 8 of the bill engages this right, because it allows for the seizure of goods named in a warrant. While it is relevant to consider the human right relating to property rights, the provision is not considered to unlawfully or arbitrarily interfere with this right. This is because the property can only be seized if named in a warrant issued by a court. The issue of warrants under this provision is limited to discrete circumstances where the court is satisfied by evidence, that it is necessary to do so, for the purpose of monitoring compliance with an embargo notice or in order to determine whether the goods comply with a prescribed safety standard, interim ban order or permanent ban order.

Therefore this clause is compatible with the property rights provided for under the charter of human rights.

Clause 9 of the bill engages this right, because it allows for the destruction of goods that do not comply with a prescribed safety standard. Whilst it is relevant to consider the human right relating to property rights, the provision is not considered to unlawfully or arbitrarily interfere with the right. This is because an order for destruction of the goods can only be made by a court in the circumstances that it is appropriate to do so. An order for the destruction of goods will only be made where it is proven that the goods do not comply with a prescribed safety standard, and therefore pose a danger to public safety if they are not destroyed.

Therefore this clause is compatible with the property rights provided for under the charter of human rights.

Clause 10 of the bill engages this right, because it allows for the deprivation of property through the freezing of assets held in a person's bank account. Whilst it is relevant to consider the human right relating to property rights, the provision is not considered to unlawfully or arbitrarily interfere with the right. This is because a freezing order can only be made by a court, and a court will only make such an order if the following is proven:

1. The plaintiff has a present legal or equitable right, or prima facie cause of action, in relation to the assets, the subject of a freezing order application; and

2. The plaintiff has a sufficiently strong case in the main proceedings to justify the grant of the freezing order; and

3. There is a real risk or danger of the defendant's assets being dissipated or put beyond the reach of the court if the injunction is not granted; and

4. The balance of convenience requires the order to be made.

Therefore, this clause is compatible with the property rights provided for in the charter of human rights.

Section 24: right to a fair hearing

Clause 11 of the bill arguably engages this right because it provides for a fact proven in an earlier proceeding to be used as evidence of that fact in a later proceeding. However, the right to a fair hearing is not limited by this clause, because the issues relevant to and the manner of determining a finding of fact in the earlier proceeding (injunction proceedings) are the same or similar to issues relevant to the later proceedings in which the finding of fact can be evidence. The contravention is the same in both proceedings: only the remedies being sought differ. In addition, there are avenues of appeal on a finding of fact in earlier proceedings.

Therefore this clause is compatible with the right to a fair hearing provided for in the charter of human rights.

Consideration of reasonable limitations — section 7(2)

The bill does not limit any human right, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

DANIEL ANDREWS, MP
Minister for Consumer Affairs

Second reading

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

That this bill be now read a second time.

One of the Bracks government's key priorities is to act to make markets work better by ensuring that Victorian consumers, particularly the vulnerable and disadvantaged, are well informed and protected.

To achieve this, enforcement mechanisms need to be effective so that consumer laws are supported. This enables consumers to participate effectively in transactions of goods and services and receive fair treatment.

The passage of the Fair Trading (Enhanced Compliance) Act in 2004 began the process of reorientation of enforcement of consumer protection legislation from a reliance on criminal prosecutions to a greater reliance on civil and administrative interventions.

This bill aims to build on the success of the 2004 amendments by further strengthening Victoria's consumer protection framework through amendments to the Fair Trading Act and other consumer acts.

For example, the bill strengthens the Fair Trading Act by enabling a court to order the destruction of dangerous goods that do not comply with a prescribed safety standard. The bill also allows a court to make an order that a consumer affairs inspector must have access to goods that are the subject of an embargo notice, so they can be tested for compliance with safety standards. These amendments will provide greater protection for consumers from goods that have the potential to cause serious injury or death.

The bill introduces a range of amendments to improve the operation of the Fair Trading Act. For example, the bill will enable the director of Consumer Affairs Victoria to delegate the existing power to require a person to appear and give evidence about a contravention of the act before the director. The bill will clarify that a court may order the freezing of an account held with a bank or other financial institution. The bill will clarify that a court may declare that a person has contravened a provision of the act. The bill will also allow all Victorian courts to make orders in relation to the existing prohibition on the use of unfair contract terms in consumer contracts. At present, only VCAT can make such orders.

Currently a court can order injunctions to cease trading in appropriate cases and order publicity about unlawful trading conduct under the Fair Trading Act. The bill builds on this, by allowing these orders to be made under other consumer acts.

One of these acts is the Consumer Credit (Victoria) Act. The bill will initiate the implementation of the government's response to the report of the Consumer Credit Review, one of the government's key election commitments. It will provide for the use of injunctions, enforceable undertakings and publicity orders that are vital tools for compliance and are currently available under the Fair Trading Act.

Another feature of the bill includes a number of amendments to the Conveyancers Act. The Conveyancers Act was passed by Parliament last year in recognition of the fact that buying a home represents one of the most significant transactions that the average person or family will make in their lifetime.

These amendments are largely minor, technical amendments which will provide for improvements to the practical operation of the act. These include simplifying the regulation-making power to set conveyancers qualification requirements, allowing for voluntary cancellation or surrender of a conveyancers licence and ensuring consistency with the Legal Profession Act as proposed to be amended by the Legal Profession Amendment Bill 2007. The bill will also enable the Business Licensing Authority to recover costs for certain types of applications and searches, and to waive, reduce or refund fees in certain circumstances.

Finally, the bill will amend the Motor Car Traders Act, to define the scope of compensable loss under the Motor Car Traders Guarantee Fund. Under the Motor Car Traders Act, a person can claim against the fund if they have incurred a loss that comes within the grounds set out in the act. This provides consumers with protection and confidence when entering into a contract with a motor car trader. The scope of the loss that can be claimed is not currently defined.

The bill will clarify that the policy intention in establishing the fund was to compensate actual loss, already incurred. It should not extend to the compensation of potential loss or possible future loss, nor to indirect or consequential loss, such as loss of income or interest, legal costs incurred whilst pursuing a trader and the costs of hiring a replacement car. This clarification will protect the financial viability of the fund, in line with its original and intended purposes.

The Motor Car Traders Guarantee Fund Claims Committee will also be able to require a person making an application for a claim on the fund to try and recover a loss by other means of legal redress, such as making an application to VCAT, before allowing a claim. This discretion is intended to be used by the committee in situations where the facts of a particular claim require a more detailed examination by VCAT or a court, or if the committee is of the opinion that the applicant has the capacity to seek an alternative avenue of redress for their loss.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 3 May.

Remaining business postponed on motion of Mr ANDREWS (Minister for Gaming).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

> That the house do now adjourn.

Rail: Huntingdale–Rowville line

Mr WELLS (Scoresby) — I raise a matter of concern for the Minister for Public Transport. The action I ask her to take is to make funds available for the feasibility study to extend the railway line from Huntingdale to Rowville. This matter has been raised on numerous occasions in this house, it has been raised in the local media and it is an issue that out in the electorate the member for Ferntree Gully and I fought very strongly on in the last campaign.

The reason we are so strong on this particular point is that in 1999 the Bracks government made the commitment to make funds available for the feasibility study. I refer to the government's own public transport document, which says:

> 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 option of Glen Waverley seems to be far too expensive because of Jells Park; we want to protect Jells Park, but we want the option of Huntingdale to proceed. The member for Ferntree Gully and I made that very clear at the last state election, when opposition policy initially committed $100 000 to advance the feasibility study work that was initially done by the City of Knox. We were then overwhelmed by the public around Rowville — the message was that this should proceed further — so we announced on 17 October 2006 that it should be a full-scale feasibility study and that that would cost about $2 million.

I note with interest that the Victorian Competition and Efficiency Commission released a report to the state government concerning the management of traffic congestion. One of the recommendations the commission made was the development of future rail extensions. One would have thought that, if the Bracks government made this promise in 1999, followed it up in 2002 as an election promise and then the Victorian Competition and Efficiency Commission came out in support of rail extensions, it would be something the Bracks government would take notice of.

I notice that in the Bracks government's response to this report it said it supported the extension of rail in metropolitan Melbourne. Yet once again we are hearing the spin and the rhetoric. We are not actually hearing any details. We are not hearing about any plans or any budget allocations regarding what the government is actually going to do. Once again we in the outer east are going to be left high and dry because of the government's lack of commitment and political will to put in some dollars.

The government's mid-financial year budget update showed a surplus of $901 million. We are looking at $2 million for a feasibility study. We want the Bracks government just to get on with the job and to make sure funding is available for this worthwhile project.

Member for Burwood: Boroondara permit

Mr STENSHOLT (Burwood) — The action I seek from the Attorney-General is for him to examine the basis of unfettered access of members of the Victorian Parliament to their constituents in the conduct of their parliamentary duties and to take any necessary action, including action with municipal councils.

I refer the house to the strange case of the City of Boroondara and permits for doorknocking. This week's *Progress Leader* features an article by Noel Towell, a very good investigative journalist, which takes up this matter. I quote from the article:

> Mr Stensholt was also told that the council would require advance notice of the MP's intention to doorknock his constituents, including dates, times and locations.
>
> Boroondara council confirmed it intended to make all politicians — state and federal — apply for a permit to doorknock.

There is a bit of history behind this. I had asked for a permit to have street stalls — and I am happy to comply with that requirement as necessary — but then I was advised I needed a permit for doorknocking and that I had to apply at least five days beforehand. I was a little dumbfounded by this, I must admit, and at that stage I began to wonder, 'How hard is this?'. Was this starting to restrict my rights as an MP to represent my constituents and to undertake my parliamentary duties? Did this restrict freedom of speech either in a real or implied sense? Should I approach the Speaker for guidance as to whether such restrictions might constitute a case of possible contempt or a case for consideration by the Privileges Committee?

Instead I am asking the Attorney-General to take action, bearing in mind what is reported in the article as having been said by the council's governance and community relations director:

> Council aims to protect the amenity and rights of its community at all times …

The council officer was also quoted as saying that the council aimed to:

> … protect residents and traders from harassment.

She was further quoted as saying:

> The local law is not the only mechanism by which door-to-door campaigning is managed.
>
> Both the Victorian and Australian electoral commissions also have rules and regulations to manage these activities.

This is why I ask the Attorney-General to examine this — he is responsible for the Victorian Electoral Commission. The council has now advised me that, after consideration, MPs do not need a permit to doorknock. I welcome this development. However, as an MP, I need to apply for a permit every time I seek to talk to people in the street.

Mindful of this, I looked up some of the books in the library. In *House of Representatives Practice* MPs are said to have a responsibility to their constituents to represent their interests. Of course MPs have a peculiar right stemming from the English Bill of Rights of 1689 in terms of freedom of speech. I also note that according to *Odgers' Australian Senate Practice* a person should not improperly interfere 'with the free performance by a member of the member's duties as a member'.

There are issues of contempt as well as of privilege. Every house of Parliament has the right to punish contempts — that is, actions that 'obstruct or impede it in the performance of its functions, or are offences against its authority or dignity'. That comes from *May's Parliamentary Practice* — —

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

Industrial relations: Bruck Textiles

Mr JASPER (Murray Valley) — I wish to raise an issue for the attention of the Minister for Industrial Relations, and in his absence the minister at the table, the Minister for Gaming.

I refer to the serious situation facing Bruck Textiles at Wangaratta, where blackmail and intimidation of the workforce is occurring. We have had extensive representations from the chief executive officer of Bruck Textiles, Mr Alan Williamson. In question time today the Leader of The Nationals raised this issue as a matter of concern with the Minister for Regional and Rural Development and also referred to the unwarranted call from an officer within the department indicating that Bruck Textiles would be in trouble if it did not negotiate further on the collective bargaining agreements with the workers and particularly with the union which has been involved with this.

I want to go back into history just for a few seconds. Bruck Textiles commenced in Wangaratta after the Second World War. It is a major industry — —

Mr Andrews interjected.

Mr JASPER — I would like the minister to listen to this too. It is a major industry in country Victoria and in Wangaratta, employing almost 400 people, and is critical to the future of Wangaratta.

It is difficult to understand why the government, through the Office of the Workplace Rights Advocate, is interfering in the work being undertaken by Bruck Textiles in seeking to make appropriate arrangements into the future with its staff under current WorkChoices legislation.

I want to quote a couple of paragraphs of a media release from Bruck Textiles headed 'Spring Street hypocrites back union moves to deceive Bruck workers'. It quotes the chief executive officer saying:

> The conduct of the OWRA in 2006 was a disgrace, but what offends us —

that is, Bruck Textiles —

> more is that this taxpayer-funded workhorse for the union movement is now at it again during our second attempt in 18 months to finalise a deal. Worse, the Victorian government

> has again allowed their behaviour. I received a call from a high-ranking bureaucrat —

and he talks about the representations he received from someone within a government department. He goes on to say:

> This region and Bruck are starving for water, which in part is the fault of dismal planning by this government — —

The DEPUTY SPEAKER — Order! Would the member tell me what action he is seeking?

Mr JASPER — I indicated that right from the start. I want the minister to get involved in this and make sure his officers work with Bruck Textiles to get a successful resolution to this and not have interference from officers from the Office of the Workplace Rights Advocate making representations suggesting that Bruck would lose government contracts if it does not work more closely with the employees. The unions have to butt out of it and the government has to butt out of it and allow Bruck Textiles to negotiate with its employees for this collective agreement, which it will be doing under the WorkChoices legislation currently in operation. Something must be done or we will lose an industry in Wangaratta.

Fr Nguyen Van Ly

Mr DONNELLAN (Narre Warren North) — I rise tonight to again seek action from the Attorney-General. The action I seek is for him to write to the Vietnamese Prime Minister seeking the immediate release of Fr Nguyen Van Ly, who has recently been jailed for eight years. I ask this on behalf of his brother, who is based in Melbourne, and on behalf of many other Vietnamese community members in my electorate.

Fr Ly is Vietnam's best known democracy activist. He spent 14 of the last 21 years in jail and was recently sentenced for another 8 years by the Vietnamese government. The fact that during the proceedings his mouth was covered by communist police thugs shows how scared the communists are of the simple words that Fr Ly puts forward. I visited Fr Ly in March 2006, and I believe I have been banned from returning for some time. I spoke with Fr Ly for 3 hours. At no stage did Fr Ly call for the overthrow of the government; he called simply for the people to have the ability to choose a government of their own choice.

It is only in recent months that these brave communists have again felt strong enough to take on the might of one Catholic priest. It is only since the international visitors have left the Asia Pacific Economic Cooperation (APEC) meeting and the World Trade Organisation (WTO) has accepted Vietnam's accession that the brave communists have decided to again arrest Fr Ly for spreading antigovernment documents and communicating with pro-democracy activists overseas. I, unfortunately, have contributed partly to his arrest.

I want to talk about the crimes of Fr Ly. They include: organising relief efforts after flooding — the fact that the money was provided from America was a little bit embarrassing for the communist government there, so it put a stop to that immediately; he was visited by the committee for religious freedom — —

The DEPUTY SPEAKER — Order! I must ask the member for Narre Warren North to relate the adjournment matter he wishes to raise to Victorian government administration. I recognise the importance of it, but the action sought must relate to Victorian government administration.

Mr DONNELLAN — It is in relation to residents in my electorate, including Fr Ly's brother, who is seeking the release of a relative overseas. They ask that the Victorian Attorney-General write to the Vietnamese Prime Minister seeking the release of that brother.

What has saddened me so much about this issue is that the Vatican recently accepted a visit by the Vietnamese Prime Minister. The visit will just be used for propaganda by the communists to legitimise the churches it sets up in the name of the Catholic Church. Fr Ly, prior to his arrest, had up to 20 police sitting in his masses taping every word. Why open relations with such people?

I call on the Attorney-General to write to the Vietnamese Prime Minister asking for the immediate release of Fr Ly and further for the Vietnamese government to abide by the conditions within the bilateral agreement with the US covering religious freedom, WTO free trade conditions, including the media, and the democratic principles of APEC.

The DEPUTY SPEAKER — Order! I will discuss that at the end.

Children: protection

Mr THOMPSON (Sandringham) — I might be able to help the Chair and suggest that the Attorney-General might like to include on the Council of Australian Governments meeting agenda an item advancing the important cause raised by the member for Narre Warren North. He might like to take it up at that level.

The matter I wish to raise is for the Minister for Police and Emergency Services and is a continuation of a

matter I had occasion to speak on this morning. It relates to a matter reported in the *Herald Sun* on 16 April concerning an assault on a toddler in Harleston Park, Elsternwick. There are a number of very important questions that need to be pursued for the safety of young children in public parks in the general bayside area, which includes the cities of Port Phillip, Kingston and Bayside. I draw the minister's attention to the matter I raised this morning.

It has also been drawn to my attention that on the Saturday week before the assault that was reported in the *Herald Sun* occurred a report was made to the police — this was on Easter Saturday, eight days before the offence occurred — saying that during the visit of a number of families to the park a man was loitering suspiciously near the toilets. The man was confronted by a number of parents and warned off, but he did not leave. The families rang the police and reported the matter, and it is of concern that it took the police 3 hours to attend the call. By this time most of the people had left, except for one family member who was able to provide details. Eight days later that person watched the Crime Stoppers program, immediately recognised the photofit and rang the number. Crime Stoppers took the details, but as of yesterday afternoon the police had still not visited the sister some 48 hours after the call was made.

My constituent expressed concern that based on this evidence the police are struggling to meet the needs of the community regarding this matter. Firstly, the fact that a person acting suspiciously was reported to the police. It was of sufficient concern to the parents to feel it was necessary to report the matter. The police took some 3 hours to arrive. Then eight days later there is the assault of a three-year-old child. Crime Stoppers was contacted, and after 48 hours the matter had still not been addressed.

My constituent seeks to ascertain what actions the police took during the eight days; whether the police had received any other reports leading up to the incident; whether there have been any other instances across Victoria where the public has reported suspicious behaviour regarding potential child molesters and received a slow response; whether, if the police had attended while the man was there, they would have had enough power to deal with him; and when the last public inquiry was held regarding these matters to protect the community interest.

Child care: Whittlesea

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Children. The action I seek is for her to improve access to affordable child care for Victorian families, especially in the city of Whittlesea. Last Saturday I was doorknocking in the Lorimer estate with the federal Labor candidate for McEwen, Robert Mitchell, and Cr Pam McLeod from the Whittlesea City Council. We knocked on every third door and spoke to many families. I must say I was horrified.

For some time families have been raising with me their concerns about the lack of access to affordable child care and the cost of what child care is available. It really was very telling on Saturday. The three of us — Robert Mitchell, Pam McLeod and me — heard story after story from families who are really struggling out there. The Howard government has broken its promise on not having the impost of higher interest rates, and in new estates it is really causing an enormous amount of hardship for families in which both parents need to work and is putting pressure on family budgets. It is really not fair.

I commend the Minister for Children and the state government, because we are doing what we can in this area. We have funded a children's centre in the Mill Park Lakes area, which is now operating. It is a family precinct and offers occasional care, kindergarten, and maternal and child health services. In last year's budget we funded another children's centre, which will be located somewhere in the city of Whittlesea. However, the federal government is letting the community down. It is not doing the planning it needs to be doing. We have responsibility for education, and we are meeting our obligations to plan for schools in the growth corridors. There are three schools in the area which are either under construction or have been opened recently. The commonwealth's responsibility is clearly to plan for child care into the future, but it is not doing it. It is letting down families in my electorate.

I commend the federal member for Scullin, Harry Jenkins, who has recently undertaken a survey on child care in the local area. The front page of last week's *Whittlesea Leader* ran a headline stating 'Child care fees soar'.

The DEPUTY SPEAKER — Order! I remind the member for Yan Yean to relate her matter to Victorian government business.

Ms GREEN — I commend the Minister for Children and the Premier. They put forward to the Council of Australian Governments last week a plan for outcomes in early childhood.

Planning: Billanook College

Mr HODGETT (Kilsyth) — I raise a matter of importance for the Minister for Planning in the other place. This matter is causing a great deal of difficulty for Billanook College, which is in my electorate. The action I seek is for the minister to rezone the entire Billanook College site to a single special-use zone.

Billanook College is an independent school in Mooroolbark, within the boundaries of my electorate. For over 25 years — from its humble beginnings with 150 students meeting in a church hall in Lilydale and the founding families of the school mortgaging their homes to buy the land on which the college is now located — Billanook, a school of the Uniting Church, has provided educational opportunities to help grow the body, mind and spirit of its pupils. Today it boasts an enrolment of just under 1000. It has its own vineyard for vocational education and training students and maintains strong commitments to social justice and the natural environment.

During the mid to late 1990s the college's land was zoned for special use school purposes with an applicable master plan which allowed student numbers to grow from 1170 to 1400 and for a 2000-seat auditorium to be constructed at the school. While the auditorium was never built, the school assumed that any school growth could easily be dealt with through the existing arrangements — and yet, because of this government's policy, grow it shall not. The school campus is currently located within two zones — a residential 1 zone and a green wedge A zone — and both inside and outside the urban growth boundary. The green wedge zone controls affecting part of the college campus do not allow existing schools to establish new facilities on site.

The only way for a school within a green wedge area to establish a new facility on its land is for it to undergo a combined planning scheme amendment and permit application process in accordance with a master plan. A number of schools located within green wedge areas are faced with this problem. Planning scheme amendments have been approved for Heatherton Christian College, Donvale Christian College and Hillcrest Christian College. The Billanook College proposal is therefore not unconventional or unusual. However, Billanook College should not have to go through this process every time it wishes to add to its facilities.

For the current project — a 500-seat auditorium — Billanook College has spent over $100 000 in an attempt to work through these arduous, problematic, tortuous and costly planning provisions. This is a disgraceful situation. This money could have been better spent investing in the students. While Billanook College continues to wait for its application to be processed by the Shire of Yarra Ranges, the cost of the proposed auditorium is increasing by $25 000 a month.

The Labor government's green wedge policy places unfair restrictions on individuals and organisations throughout Melbourne. It prevents our urban fringes from evolving to better provide services for the people who live and work there. I ask the minister to fix this zoning crisis and to rezone the entire Billanook College site as a single special-use zone so that the college will have a consistent and stable planning zone to work with.

I implore the minister to act to lift the restrictions on schools like Billanook College so they can get on with the job of building facilities that support the provision of quality education, as is desired by parents who send their children to these schools.

Kinglake West Primary School: upgrade

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Education in the other place. The action I request is that the state government keep its election commitment to upgrade Kinglake West Primary School by funding the project at the first possible opportunity. The election commitment to upgrade the school was enthusiastically welcomed by members of the school community because they knew that the students at the school were receiving a very high-quality education. The school has very dedicated teachers and parents. However, they are embarrassed that the school's appearance — with only one permanent classroom and several run-down portables — does not reflect the quality and the commitment to education of the school.

Kinglake West Primary School has been lobbying the Department of Education and me for most of the time I have been the local member. It really is its turn to be funded, given the condition of the buildings and the work members of the school community have done as part of the Building Futures program. They have given a great deal of thought to how they can best provide a learning space that will provide the best possible physical environment for students learning outcomes.

In order to meet the requirements of the Building Futures program, Kinglake West Primary School, like all other schools planning for future upgrades, has had to keep in mind buildings that promote individualised learning, create settings for innovative teaching, incorporate new technology, are environmentally sustainable and support community involvement. This

program will ensure the Bracks government's election commitment to improving school facilities across Victoria will be money well spent.

My congratulations and thanks go to the members of the Kinglake West community in general for their enthusiastic campaign to get to this stage. They were well led by the school council president, Steve Fleming. He was positive and persistent in the way he went about lobbying to make sure this school is funded by the government as soon as possible. Steve's children will not benefit from this new school, but I suppose that shows the community involvement generated by the school. I call on the minister to ensure that the election commitment we made to Kinglake West Primary School is met as soon as possible.

Latrobe Regional Hospital: emergency department

Mr NORTHE (Morwell) — The action I seek is from the Minister for Health. I request that the minister commit funds in the impending state budget to Latrobe Regional Hospital's emergency department. The emergency department at the hospital has been identified by the hospital board as a priority for an upgrade and refurbishment to meet the ever-increasing needs and demands of the Gippsland community.

Latrobe Regional Hospital's strategic plan 2004–07 identifies a number of capital and future service requirements, of which the upgrade and refurbishment of the emergency department is one. The hospital was initially built to cater for 10 000 emergency department presentations annually but current statistics indicate that approximately 30 000 presentations now occur on an annual basis. This is an alarming discrepancy that must be addressed. The staff and management of the Latrobe Regional Hospital do a fantastic job in what can only be described as difficult circumstances.

An upgrade and refurbishment of the emergency department would not only ensure better service to the Gippsland community but would certainly alleviate some of the strain that currently impacts on staff and management at LRH. It is important to not only recognise the health needs of the community but also ensure that Latrobe Regional Hospital can retain its high-quality health professionals. An upgrade of the emergency department is certainly one way to ensure the retention of much-valued staff.

Over time the emergency department has been a point of entry for an ever-increasing number of mental health patients. This has been a highly contentious point for many in the community. Major community concerns relate to other patients who present to the emergency department and in doing so, have to endure unpleasant episodes. Certainly many stories have been relayed to me about children, while receiving treatment through the emergency department, witnessing frightening and violent behaviour from those unfortunate patients who have presented with mental health issues. What are the future implications for that child witnessing a person in the midst of a mental health episode? I can only imagine that any hospital visit would equate to bad memories.

I believe that the correct redevelopment of the emergency department can alleviate some of the current problems that exist and can only assist with mental health issues associated with those members of the community who need to present at Latrobe Regional Hospital's emergency department. Due to the excessive number of presentations through the emergency department, many inpatient beds are having to be utilised inappropriately to cater for the demand. This impacts greatly on the resources required for inpatients generally. Basically the current status implies that the more people who present to emergency for mental health services, the less resources that can be allocated to those in need of emergency treatment.

Long waiting times in the emergency department coupled with excessive demand for mental health services means that LRH must surely be high on the list of priorities for this government. For the betterment of Gippslanders requiring health assistance, including those with mental health issues, I call on the Minister for Health to commit funds to an upgrade and refurbishment of the Latrobe Regional Hospital emergency department in the next state budget.

WorkCover: claims protocols

Ms CAMPBELL (Pascoe Vale) — I raise a matter on behalf of one of my constituents whom I will just call Mr Theo M. The matter is for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission. The issue I ask the minister to address goes to the satisfactory resolution of Mr M's WorkCover claims; and in the course of resolution of those claims, that he carefully looks at how the insurer and the employer have behaved in this particular case.

In shorthand, Mr M was injured at work in September 2003. It is now four years later and overtime payment is still to be provided according to the resolution as outlined in WorkCover resolution protocols. There is an issue in relation to his overtime not being paid. It is being claimed by the insurer that the business is the problem; the business is claiming that the insurer is the

problem. I do not know who is right and who is wrong but WorkCover needs to examine this carefully.

What is clear in this particular case is that the insurer was supposed to, within 30 days, examine this case and look at whether there was a possibility of a return to work. That was not done under the requirement of the protocols. It alarms me that I have been told that his is not the first case in this particular business where the particular insurer does not attend seriously and promptly to WorkCover return-to-work protocols.

The case also highlights the employer. I refrain from mentioning the name of the business and the insurer, because I trust that, as a result of raising this particular case which was forwarded to the minister's office by my office on 12 April, matters will move promptly. The employer's occupational health and safety practices need very serious consideration. It is a manual working environment where many people are exposed to dangers if there are not adequate occupational health and safety practices implemented and observed.

I believe the minister could, through his office, assist in resolving this particular matter with Mr M. He could look at the occupational health and safety matters it raises and at the insurance considerations as well.

The DEPUTY SPEAKER — Order! The time for raising matters has now concluded.

Prior to calling the Attorney-General to respond to the member for Burwood I indicate to the house that the matter raised by the member for Narre Warren North will be ruled out of order. I indicated to him during his contribution that matters raised on the adjournment debate must relate to Victorian government administration. I very much respect the member's commitment to the issue that he raised, and I also acknowledge that the member for Sandringham has suggested a way in which the matter may be raised again in the future, but at this stage I rule the matter raised by the member for Narre Warren North out of order.

Responses

Mr HULLS (Attorney-General) — Thank you, Deputy Speaker, and I take the point you have made in relation to the member for Narre Warren North, so I will not address that matter now. I will no doubt take that matter up with the member for Narre Warren North in my capacity as Attorney-General. It certainly does indicate his passion for this very important issue, and it is something that I am more than happy to take up with him in another forum.

In relation to the member for Burwood and the quite extraordinary issue that he raised, whilst the member was raising this matter I dug out a copy of an article that I think appeared in his electorate about doorknock call back. In that article it states that the Boroondara council confirmed it intended to make all politicians, state and federal, apply for a permit to doorknock. I notice members on the other side, particularly the member for Sandringham, shaking their heads in disbelief. I remind him that people do actually doorknock. I hope he is shaking his head in disbelief, not in relation to the fact that people doorknock but in relation to the fact that a council would actually require members of Parliament, who are democratically elected, to obtain a permit to doorknock in their electorates. I have to say I find that disgraceful and totally inappropriate. It really is an affront to democracy.

I notice, however, that the member for Burwood seems to be suggesting that since he raised this outrageous matter with the local council it has decided to duck and weave and put its tail between its legs and indicate to him that this will not apply to him and maybe it will not apply to other politicians. But nonetheless the fact that it indicated that it would require members of Parliament to have permits to go about their business, which is informing their constituents about issues in their electorate and seeking the views of constituents about particular matters, shows the Boroondara council's mindset when it comes to democratic processes.

You have to ask whether or not the councillors themselves are actually prepared to get out of their lush leather council chairs and go out and meet with constituents in their particular area. The fact is that the member for Burwood is one of the hardest working members in this place. He is prepared to meet with constituents on a regular basis and to doorknock — at any hour of the day or night — and seek his constituents' views about matters. He is then told by a council, whose members obviously do not have the guts to go out and meet their constituents and find out what the issues are in their areas, that they are going to try to hamstring, fetter and gag the member for Burwood. I have to say, he will not be silenced. In my view the council has no right to be suggesting that members of Parliament should be fettered in this way in their work.

I will seek further advice on this matter, as the member for Burwood has requested. I will advise him in due course about that. But in the meantime, I want to send the strongest possible message to the Boroondara council: get into the real world and understand that we live in a democratic society. It is totally appropriate for members of Parliament, like the hardworking member

for Burwood, to be out there informing their constituents and seeking their views, without this ludicrous suggestion by the council that a permit ought to be required. Having dealt with that matter, I now deal with the matter — —

Mr Thompson — On a point of order, Deputy Speaker, just on the matter of reasonableness, the Attorney-General suggested the member for Burwood was doorknocking at any time of the day or night. If that is the case, that might be the reason why the council brought in the regulation, and it should be limited to reasonable hours.

The DEPUTY SPEAKER — Order! The member for Sandringham knows that is not a point of order. I will not hear any more.

Mr HULLS — I take the point of the member for Sandringham. I know he has plenty of time to doorknock during the day, because he does nothing here!

The DEPUTY SPEAKER — Order! The Attorney-General, on the matter raised by the member for Murray Valley.

Mr HULLS — In relation to the issue raised by the honourable member for Murray Valley, can I simply advise him that it is important that he get his facts right before coming into this place and making ludicrous and ridiculous suggestions in the adjournment debate. The fact is that, as he would know because we had a debate about it in this place, the Office of the Workplace Rights Advocate is an independent statutory office — I repeat, 'independent statutory office' — set up to inform and promote fair industrial relations practices in this state.

The workplace rights advocate is empowered to provide information to employers and employees to promote fair industrial treatment of workers in Victoria and indeed to investigate illegal, unfair or otherwise inappropriate industrial relations practices in this state. I urge the member to get out the act and read and understand it. The functions of the workplace rights advocate are not confined to the legality of industrial relations practices but extend to considerations of fairness.

I understand that the workplace rights advocate has been asked to investigate the terms of a proposed non-union agreement offered by Bruck Textiles to its employees. I understand further that the workplace rights advocate has indeed conducted such an inquiry, as the workplace rights advocate's has the statutory power to do under the relevant legislation. As my ministerial colleague the Minister for Gaming reminds me, it is set out in legislation as a duty. The fact is that we as a government make absolutely no apology whatsoever for setting up the independent Office of the Workplace Rights Advocate to ensure that Victorian workers are fully informed about the impacts of the Howard government's inappropriate, draconian and unfair WorkChoices legislation.

Also on point is that we make no apology for our ethical purchasing policy that ensures that companies that seek government work adhere to appropriate award conditions of employment. I remind the honourable member who raised this matter that that is no secret. In fact a media release was put out on Tuesday, 19 September 2006. I will read it and I will hand a copy of it to the honourable member. It is headed 'Bracks government puts the brakes on WorkChoices' and reads:

> Businesses who supply the state government with goods and services will have to guarantee their workers are receiving fair wages and conditions, industrial relations minister Rob Hulls said today.
>
> 'This government is doing everything in its power to protect Victorian working families from WorkChoices,' Mr Hulls said.
>
> 'We do not support the use of the federal government's workplace changes to drive down wages and conditions.
>
> Companies subject to the policy will have to comply with a safety net of fair employment standards if they want to do business with the state government'.
>
> Finance minister John Lenders —

as he was at that time —

> said the safety net would be based on pre-WorkChoices awards.
>
> 'Our new policy will focus on areas of private sector procurement where employment standards are considered vulnerable under WorkChoices', Mr Lenders said.
>
> 'It will also apply to community organisations, which are funded by three-year agreements, including child, youth, aged-care and disabled care services.
>
> A no-disadvantage test will apply to companies to ensure that the terms and conditions of their employees are as favourable as those in the award and state laws.
>
> The government will consult with key stakeholders on implementation and enforcement of the policy.
>
> Victoria's workplace rights advocate and Industrial Relations Victoria will help government officials ensure that tenderers comply with safety net requirements.

The fact that we have a workplace rights advocate receiving a complaint in relation to whether a collective

agreement is better or worse than the award conditions is one of the reasons why we set up the Office of the Workplace Rights Advocate, and it is absolutely appropriate for the workplace rights advocate to investigate it. We believe it is totally appropriate that we have an ethical purchasing policy. The last thing that we want to see in this state is a move towards the lowest common denominator in employment.

The fact is that the workplace rights advocate is an independent statutory authority with its own charter, and it acts within that charter. It is ludicrous, and if it was not such a serious matter that was being raised by the honourable member it would be laughable to suggest that the government dealt with Bruck Textiles in other than an appropriate and transparent manner.

I conclude on this note. The legislation that sets up the workplace rights advocate is good legislation and legislation that I, as Minister for Industrial Relations in this state, am very, very proud of. I know that members on this side are also very proud of it. Just because the member opposite opposed the legislation, it does not mean that every time the Office of the Workplace Rights Advocate, an independent statutory authority, goes about its job appropriately under its charter the member should come into this place and criticise it. The fact is that this is an independent body with an independent charter, and it is doing its job appropriately.

The fact that the honourable member may also oppose our ethical purchasing policy is again a matter of philosophical difference. We firmly believe in it and we take the view that we will do everything we can in this state to ensure that the working conditions of Victorian workers are not undermined by the draconian WorkChoices legislation.

Mr Jasper interjected.

Mr HULLS — The member may have a different philosophical view and Bruck Textiles may have a different philosophical view. That is a matter for him and that is a matter for them. But I am very proud of our ethical purchasing policy and I am very proud of the workplace rights advocate. I intend to ensure that the workplace rights advocate can continue his work unfettered by attempts at political interference by the likes of the honourable member who raised this matter. I repeat: the ethical purchasing policy and the workplace rights advocate are good policies that we on this side of the house are very proud of and that we on this side of the house make absolutely no apology for.

Mr ANDREWS (Minister for Gaming) — The member for Scoresby raised a matter for the attention of the Minister for Public Transport in relation to a Huntingdale–Rowville rail service.

The member for Sandringham raised a matter for the Minister for Police and Emergency Services about an assault on a toddler in Elsternwick.

The member for Yan Yean raised a matter for the attention of the Minister for Children in relation to access to affordable child care in her community.

The member for Kilsyth raised a matter for the attention of the Minister for Planning in another place in relation to the rezoning of the land at Billanook College.

The member for Seymour raised a matter for the Minister for Education in another place in relation to the Kinglake West Primary School in his local community of Kinglake West and potential support for the redevelopment of that important facility.

The member for Morwell raised a matter for the attention of the Minister for Health about boosting the record funding of the Latrobe Regional Hospital in his local community.

The member for Pascoe Vale raised a matter for the Minister for Finance, WorkCover and the Transport Accident Commission in relation to a constituent in her community. I will refer those matters raised for their attention and action to the ministers listed.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.41 p.m. until Tuesday, 1 May.