

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 1 April 2009

(Extract from book 4)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

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The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

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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Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew ⁵	Williamstown	ALP
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Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
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Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
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Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene ⁴	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 28 June 2008

⁵ Elected 15 September 2007

⁶ Resigned 6 August 2007

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Wednesday, 1 April 2009

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 61, 62, 140 to 144 and 199 to 210 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Technical and further education: fees

To the Legislative Assembly of Victoria:

We, the undersigned, call on the Victorian government to reconsider the proposed changes to the VET sector. Access to training and education needs to be fair, just and socially inclusive.

The introduction of a HECS-style system will result in reduced opportunity for those people who are already disadvantaged and limit their ability for social and economic participation.

By increasing fees for TAFE students, the government is breaking an election promise it made at the 2006 election to: 'ensure TAFE entry costs are not a barrier to participation by students from disadvantaged groups'.

By Mr PANDAZOPOULOS (Dandenong) (475 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of \$60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (16 signatures).

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (62 signatures).

Planning: Mornington Peninsula

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the failure of the Minister for Planning to approve Mornington Peninsula planning scheme amendment C87 unanimously adopted by the Mornington Peninsula Shire Council on 8 October 2007, noting that such approval will maintain a minimum 2500-square-metre lot size in the approximate 750-hectare area known as Woodland in Mount Eliza, and the preservation of some 11 800 mostly native trees.

The petitioners therefore request that the Legislative Assembly of Victoria ensure the prompt approval of the amendment.

By Mr MORRIS (Mornington) (7 signatures).

Port Phillip Bay: toxic waste

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria points out to the house that:

We oppose the proposed dumping in Port Phillip Bay of over 3 million cubic metres of dredged toxic waste from Port Melbourne channel, Yarra River and Williamstown channels into the proposed toxic dump site in the bay. The proposal to dump contaminated materials in our bay is very irresponsible and provides no certainty that leakage of toxins into our waters will not occur. Such a proposal is unacceptable.

The petitioners request that the Legislative Assembly of Victoria oppose disposal of contaminated materials at

the proposed dredge material ground site or any other area in our bay.

The petitioners request that the Legislative Assembly of Victoria oppose the proposed dump site project in our bay.

By Mr DIXON (Nepean) (36 signatures).

Tabled.

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

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

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

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Access to Public Hospitals: Measuring Performance — Ordered to be printed

Administration of the *Flora and Fauna Guarantee Act 1988* — Ordered to be printed

Commissioner for Environmental Sustainability Act 2003:

Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Strategic Audit: Environmental Performance Reporting Supplementary Report 2007–08.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Membership

The SPEAKER — Order! I inform the house that I have received from Mr Greg Barber his resignation from the Public Accounts and Estimates Committee effective from 31 March.

MEMBERS STATEMENTS

Women: suffrage centenary

Ms MORAND (Minister for Women's Affairs) — I acknowledge an important democratic milestone that was celebrated yesterday, and that was the 100-year

anniversary of the Adult Suffrage Bill being given royal assent. Victorians have participated in a year of celebrations to mark the centenary of suffrage, and two final events for that celebration were held over the last few days in Queen's Hall. One was the launch yesterday of the new interactive site of the Public Record Office of Victoria for Victorians to explore the state's history and also to contribute information to a growing resource that will be available on the site. Victorians will be able to look back over 100 years of history and also contribute their stories to the website.

On Monday I also had the pleasure of joining the League of Women Voters Victoria, again in Queen's Hall, when the league celebrated the 100-year anniversary of the bill being given royal assent. I congratulate the president, Liz Prideaux, and Sheila Byard, for organising this event. The league celebrated by bringing in secondary school students from across Victoria to participate in this milestone event. The students were from schools including Baimbridge College, Thomastown Secondary College, Glen Waverley Secondary College, Melton Secondary College and many others.

I particularly want to acknowledge the two students from Preston Girls Secondary College who spoke extremely well about the history of the centenary of suffrage and also about the future of women in democratic participation and the barriers still faced by women. In acknowledging this milestone I remind members that over the 150 years there have been members in this place, 1550 have been men and only 90 have been women.

Warrnambool East Primary School and Warrnambool Primary School: funding

Dr NAPHTHINE (South-West Coast) — I call on the Minister for Education and the state government to use common sense and allow for local flexibility rather than simply enforcing template designs to ensure that schools in my electorate get the best value for taxpayers money from the commonwealth schools funding program. I also want an assurance that schools in very real need of major refurbishment will not be denied access to normal state government capital works simply because they have had a new library or hall built using these commonwealth funds.

For example, the Warrnambool East Primary School has now been waiting for several years for the government to undertake a major redevelopment of its grades 5 and 6 learning areas, to upgrade its toilets, to provide covered areas for children to access toilets from the three portable classrooms and to generally refurbish

the older style facilities that do not fit with 21st century teaching and learning standards. Members of the Warrnambool East school community also have plans for a new stadium-auditorium. They are hoping to get commonwealth funds, but they also want to have local flexibility to ensure that the hall best meets their needs, and they want to make sure that getting the hall will not delay state funding of the school's urgently needed classroom refurbishments.

Warrnambool Primary School in Jamieson Street has produced an exciting and innovative plan to redevelop its library and classrooms. The plan is environmentally progressive, suits the site and the existing heritage buildings and provides for modern teaching and learning. The school needs \$3 million from the commonwealth, matched by \$2.5 million from the state. It would be a great investment for the state to get great outcomes at this great school.

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

Upwey Children's Centre: funding

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I was delighted to welcome the Minister for Children and Early Childhood Development to Upwey during the recent Yarra Valley community cabinet, at which the minister announced that the Brumby government would contribute half a million dollars to a new early learning and child-care centre. The new centre, which currently provides child care, will have integrated services in one convenient location to support the health and development of local children and families. The Upwey Children's Centre will provide kindergarten, long-day care, occasional care, maternal and child health services, family support services, child health teams, early childhood intervention services and a community space for local activities. This is great news for the local community of Upwey, and it is the result of great cooperation between the Brumby government, the Rudd federal government, which is contributing \$1.6 million, and the Shire of Yarra Ranges, which is investing \$5.6 million. It is an extraordinary win for the local community, which five years earlier stopped the shire from shutting down the centre.

Kinglake Football Netball Club

Mr MERLINO — I wish good luck to the Kinglake Football Netball Club — the Lakers — for its round 1 home clash against Emerald this Saturday. In the immediate aftermath of the fires I visited the Lakers with the club president, Cameron Caine, and I was

instantly struck by the resolve of the club to get back on its feet despite the devastation that tore through the town just days earlier.

Cameron told me that, while the decision to play in 2009 would be put to club members later that week, he thought the majority would vote in favour. One hundred and fifty club members turned up at the meeting and the decision was unanimous. In the time since many people have put in many hours of work to make season 2009 a reality, and I would like to pay tribute to the dedication of Cameron, his committee, all the club members, the players and the supporters as well as the Victorian Country Football League.

Water: north-south pipeline

Mrs POWELL (Shepparton) — I again call on the Brumby government to abandon the construction of the north-south pipeline. Last weekend a leaked report commissioned by the state government showed the government was advised not to proceed with the north-south pipeline. The report by consultants ACIL Tasman cost Victorians \$300 000 and was rejected by the government in June 2007 but was never made public.

When Premier Brumby was asked recently why it was rejected he said 'because it was flawed'. This a bit rich when the government has relied on flawed information ever since it made its decision to build the north-south pipeline and pump water desperately needed by irrigators in the food bowl of Australia over the Great Dividing Range to water the parks and gardens of Melbourne.

The coalition has continually advised the government that Melbourne has the capacity to recycle its own water and should do so. The Auditor-General criticised the data used by the government and the lack of rigour used to determine any savings. Scientists, environmentalists, academics, water authorities and the government's own departments have predicted less water in the Goulburn catchment and are sceptical of delivering the promised 75 gegalitres to be pumped down the pipeline by 2010, which coincidentally is an election year.

Irrigators in the Goulburn system are on only 32 per cent water allocation, with many towns on stage 4 restrictions. The trigger for Melbourne to be on stage 4 has been reached but it will not be imposed because the Melbourne people will then know that this government has not only abandoned country Victorians but has now also abandoned the people of Melbourne.

Oakleigh Cricket Club

Ms BARKER (Oakleigh) — Congratulations to the Oakleigh Cricket Club on a very successful season for 2008–09. The first XI defeated Caulfield in the Victorian Subdistrict Cricket Association south-east group final in a magnificent team performance to win the first XI premiership, and I congratulate captain-coach Jarrod Travaglia and the team on this outstanding achievement. While the win was certainly a team effort, the magnificent 121 from Oakleigh batsman Julian Hay assisted greatly.

The third XI claimed a premiership against Croydon in the third XI east group, and I congratulate captain Brian Grace and the team. I am particularly pleased for the third XI as this premiership win afforded club legend Allan Stamps his first premiership win at Oakleigh. The juniors also had a very good year with four premierships out of five teams in the finals.

Oakleigh Cricket Club has a very long history in our local area. It was founded in 1879 and has always been based at Warrawee Park. In recent years it has seen a strong resurgence in the junior program headed by club stalwart Neil Croft. The club has had many great players, including former test player Lindsay Kline.

I pay tribute to the hardworking board of management — Trent Shields, Allan Stamps, Dean Phelan, Join Doig, Paul Ryan, Ben Pinwill, Matthew Naughtin, Mark Peterson and Peter Webb. This dedicated group of people heads a large number of volunteers who make Oakleigh such a great club, and while I do not wish to pick out individuals, I must mention Rowland Williams, who has worked continuously with the club for 52 years.

I am proud to be the patron of the Oakleigh Cricket Club. I congratulate it again on its very successful season and I thank members for their ongoing commitment to ensuring participation in the great game of cricket for a very large number of people.

Templestowe Road, Bulleen: upgrade

Mr KOTSIRAS (Bulleen) — I once again plead with this arrogant and uncaring Labor government to provide funds to upgrade Templestowe Road. The Templestowe Road Reference Panel was established in June 2003. The panel consists of a group of local residents of the Bulleen electorate who are committed to the project and who meet independently and on a voluntary basis to try to assist both council and the state government in planning for the current and future road needs of Manningham residents. Unfortunately this

government is treating them with contempt and the Minister for Roads and Ports is giving them the cold shoulder. The minister does not even acknowledge their presence or their work.

The panel wrote to the minister in September 2008 and received a response from a public servant a month later stating:

The government is aware of the community's concerns regarding Templestowe Road ... As you would appreciate, proposals for improvement projects must be considered and evaluated on a statewide basis. There are currently proposals for other road safety improvement projects that, when evaluated, rank higher than this location.

After 10 long and dark years under this incompetent Labor government residents have had enough of its media spin and hollow promises. Joh Bjelke-Petersen's reference to feeding the chooks is an appropriate description of what is taking place. Providing residents with false hope is heartless and callous. The residents are putting in hours of work at their own expense while this government spends millions of dollars in advertising and spin to make the Labor Party look good.

The minister needs to undertake a refresher driving course, because come November 2010 he will be minus his white chauffeur-driven car.

South Barwon electorate: sporting clubs

Mr CRUTCHFIELD (South Barwon) — While many Victorians are now turning their attention to the football season — go Cats! — there have been a number of significant sporting achievements both locally and on the world stage by constituents of mine in South Barwon. Last Sunday Leigh Howard of Waurn Ponds was crowned world omnium cycling champion and scored two silver medals in the madison and team pursuits at the UCI track cycling world championships in Poland. The 19-year-old rising international cycling star has a very promising future ahead of him and is destined to put our region in lights on the world cycling stage, alongside Barwon Heads resident Cadel Evans. I, on behalf of everyone in my electorate, congratulate Leigh on the sensational results.

Congratulations also go to Barwon Heads Cricket Club A grade players, who scored their second straight and third grand final victory in five years in the Bellarine Peninsula Cricket Association competition against Collendina last weekend. The Seagulls were lead by captain-coach Chris Welsford, with solid performances by paceman Les Wallace, Sam Schaller and Mitchell Herbison, man of the match Craig Biddiscombe, and Jason Mallett, who had a sensational season and has

been tipped to be selected in the Bellarine Peninsula Cricket Association team of the year.

Congratulations also go to Grovedale teenager Dwayne Vivian, who was recently crowned the under-18 state tenpin bowling champion. The 17-year-old Grovedale College student has only bowled competitively for just over six months and takes on Australia's best in the national championships this month in Newcastle.

Congratulations go to Jan Juc Surf Life Saving Club junior coach Daryl Moss, who recently received the prestigious Youth Parent of the Year award at the Victorian junior championships. Daryl received the award for his tireless efforts with the Jan Juc and Victorian junior surf lifesaving team. A former competitor himself, who started at Torquay, Daryl began coaching the Jan Juc juniors three years ago following a stint as seniors coach. Once again I congratulate all — —

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

Tootgarook Primary School: funding

Mr DIXON (Nepean) — As this is the last sitting week before the state budget, I want to take the opportunity to hold the government accountable to a promise it has made to Tootgarook Primary School in my electorate. Tootgarook Primary School has a current enrolment of 231 students and is ably led by Wayne Whitworth who, in turn, leads a group of dedicated and professional staff.

Tootgarook Primary School draws children from the extremely low socioeconomic towns of Tootgarook and West Rosebud. Incidentally, West Rosebud is part of this government's community renewal project, which reflects its status as one of the four poorest postcode areas in Victoria. As a consequence, parents of 65 per cent of the students receive the education maintenance allowance. The state government has promised funding to allow for a complete rebuild of the school; the school has been waiting three years for that promise to be fulfilled. The plans are drawn and the project is ready now for tender.

I call on the Brumby government to fund this project from this year's budget for a few reasons: one, it has been promised; two, the community deserves the project after such a long wait; and three, the school needs certainty now as projects are identified for funding under the federal government's recovery package. Both streams are dependent upon this project definitely going ahead this year. The Tootgarook school

community really cares about and supports its school, as witnessed by its huge monthly community market and the fantastic community hall built by the community on the school site. It is now time for the Brumby government to care about and support Tootgarook Primary School.

Roads: Yuroke electorate

Ms BEATTIE (Yuroke) — I understand that in question time yesterday the Minister for Roads and Ports did not have enough time to mention all the fantastic road projects that are going on, so today I would like to acknowledge some terrific road improvement projects which have been completed in my electorate. On 6 March I was very pleased to attend the opening of the Donnybrook Road overpass, which will be of great benefit to the 2000 vehicles which use Donnybrook Road each day. This \$39 million joint federal and state government project involves a two-lane bridge over the Hume Highway and will improve traffic flow in this growing area. This important project will also greatly improve safety at this black spot intersection, where 18 accidents occurred in the period 2003 to 2008. I know the completion of this project is welcomed by the local residents and the many commuters who use this road.

I would also like to acknowledge the opening of the second stage of Aitken Boulevard in Craigieburn, which I attended on 10 March. This new road is a great addition to Craigieburn and is welcomed by the many residents in the rapidly growing Highlands estate. The road includes a joint walking and cycling path and will provide easy access to schools, Highgate recreation reserve, maternal and child health centres, parks and shops. As well, it will reduce traffic congestion in the area. The first section of this road was completed and opened around two years ago. I congratulate all those involved in these projects.

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

Snowy Scientific Committee: membership

Mr INGRAM (Gippsland East) — I rise today to condemn the New South Wales Minister for Primary Industries, Ian Macdonald, for his ongoing interference and meddling in issues outside his ministerial responsibility. A recent FOI request resulted in the release of documents in New South Wales which indicate that Ian Macdonald has overridden the advice of another department — the Department of Environment and Climate Change — and the minister

responsible for nominating a number of key members of the Snowy Scientific Committee.

Ian Macdonald attempted to get two of his tame scientists without any river science background on the scientific committee to nobble its effectiveness. One nomination he put forward was Mike Curll, who has a great background in agricultural science and is a good scientist in his field but has no river health science background. He was supposed to be on the committee to represent the New South Wales national parks. The only reason to put an agricultural scientist on a river science committee would be if Snowy Hydro was going to turn off the upper montane rivers and grow rice or wheat in the empty beds. The New South Wales government needs to address this issue, take Dr Mike Curll off the scientific committee and take the nomination that was put forward, or the alternative, to make sure we get the best balance of science — —

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

Asia-Pacific region: interfaith dialogue

Mr LIM (Clayton) — Little is known about the Asia-Pacific Regional Interfaith Dialogue held in Yogyakarta between Indonesia and Australia back in 2004. Since then the interfaith movement has taken off most vigorously in Indonesia, a country which has constantly been stereotyped as the home of extreme Islamic fundamentalism. The initial effort barely five years ago will culminate in a planned international gathering of multifaith followers later this year in Melbourne.

A group of religious leaders comprising Christians from various denominations and Muslims, including an Islamic school principal, gathered at the Indonesian Consulate on Friday, 27 February, to present a case for worldwide religious tolerance. The forum was a joint effort of the Indonesian consulate, the Uniting Church and the Indonesian club of Victoria. It was truly a multifaith gathering with many in attendance from very diverse backgrounds. An invitee, Mr Chap Chow, from the local Chinese community, commented that the forum was an eye-opener and wondered if the Middle East conflict could have been solved had such a movement been embraced there.

Along with the help of a team of forensic experts from Indonesia in the Victorian bushfires and the recently announced free trade agreement signed with the Association of South-East Asian Nations community, the forthcoming international interfaith parliament to be held in Melbourne will no doubt go towards

strengthening the friendship between Indonesia and Australia, and more specifically, Victoria.

Land tax: increases

Mr JASPER (Murray Valley) — The increase in land tax in Victoria has become a huge burden for many Victorians and particularly for small business operators, who are already suffering from the financial crisis facing Australia. The member for Scoresby has highlighted the massive increase in revenue to the state government that has escalated from \$378 million in 1998–99 to an estimated \$1176 million in this financial year. Whilst primary production land is exempted from the payment of land tax, as is the family home, a huge number of people have now received land tax bills that have escalated to such a level that they have difficulty making the payments. This is particularly evident with small businesses struggling for survival in the current economic climate.

I want to give just two examples to highlight the problems being caused by the inappropriate actions of the state government. The first is that of a hotel operator in Wangaratta whose land tax bill two years ago was about \$2700. Last year it escalated to approximately \$5300, and currently it is over \$23 000, although the owner says there has been no change in his trading operations, and they are even showing a downturn.

The second example is of a subdivider at Yarrawonga who has 62 blocks for sale in a slow market. He paid \$51 733 in land tax last year and has now received a bill for the astonishing amount of almost \$168 000. Surely the state government must realise the adverse effect the massive increase in land tax is having — —

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

Sunbury Community Festival

Ms DUNCAN (Macedon) — On Saturday, 21 March I was pleased to attend the Sunbury Community Festival, a two-day event held, not surprisingly, in Sunbury on the village green. This is the 33rd year of the festival, and it seems to get bigger and better each year. As a stallholder at this event I can testify to how well it was organised. It is lovely to share this community space with other stallholders from the local primary schools, the Country Fire Authority and the State Emergency Service, which always put on a compelling display of their skills, as well as the Kiwanis, Rotary and local churches, to name just a few.

The Sunbury Community Festival is well supported by locals from Sunbury and further afield, with

approximately 30 000 people attending last year's event. I am sure they will come close to increasing that number, judging from the size of this year's festival. Local traders also support this event, which was evidenced not only by their involvement as stallholders but also by their participation in the grand street parade. I was pleased to be a judge at this event.

Over the two days the main stage provided entertainment suitable for everybody. They enjoyed local bands, kids entertainment, Sunbury Idol and Sunbury Has Talent. The Sunday event also included the Rock'n'Roll and Motor Show, and this year saw the introduction of Paws on Lawns on Sunday morning, which was very well attended.

I would like to congratulate the festival committee: president Fi Corboy, vice-president Maureen Kear, secretary Lorraine Aitken, treasurer Tracey White, and committee members Anne Potter, Don Hampshire, Ben Stanford, Jamie Byron — —

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

Bushfires: Colac community forum

Mr MULDER (Polwarth) — At 1.20 p.m. on 7 February 2009, while most of us were focusing on the unfolding tragedy which has become known as Black Saturday, a fire started at Weerite, about 35 kilometres from Colac, and spread through Pomborneit North, Pomborneit, Stoneyford and surrounding areas. Some 1300 hectares were burnt, fencing was destroyed and fully stocked hay sheds and barns were burnt to the ground. Had it not been for the tremendous efforts of the Country Fire Authority, the Department of Sustainability and Environment and emergency personnel to contain the blaze we could have seen the same devastation as in the north-east, as this fire had the potential to burn right through to the coast.

Every summer the people in my electorate live with the threat of fire in the Otways. Events such as Black Saturday have brought into sharp focus our need to understand what we can do to avoid a similar tragedy occurring in the south-west. With this in mind, and in response to the many phone calls and letters I have received from my constituents expressing concerns or putting forward suggestions, I am sponsoring a bushfire response forum in Colac with a panel which will include Mr David Packham, OAM, a fire behaviour expert and CSIRO scientist who has kindly agreed to speak on the night. Along with my colleagues the shadow Minister for Police and Emergency Services and the shadow Minister for Environment and Climate

Change, the panel will also include the Colac Otway Shire Council's fire prevention officer.

The object of this exercise is to provide an opportunity for members of the public to express their concerns and exchange information about the local environment in order to understand bushfire behaviour and how they can be better prepared. The forum will be held on Thursday, 16 April, at the Colac Central Bowling Club, commencing at 7.30 p.m. Everyone is welcome to attend.

Peninsula Link: construction

Dr HARKNESS (Frankston) — What a pleasure it was yesterday morning to welcome the Premier and the Minister for Roads and Ports to the Frankston region for the announcement of the expressions of interest process for the eagerly awaited toll-free Peninsula Link project. This project will deliver a vital new transport link for Melbourne's south-eastern suburbs and the Mornington Peninsula and will also provide 4000 direct jobs and significant economic stimulus for the state and national economy.

The Brumby Labor government is taking action to build the bypass around Frankston to ease congestion and cut travel times. I know firsthand that the growth in traffic movements and volumes in the area over recent years has been enormous. Building this road will slash travel times and ease congestion on surrounding roads such as the Frankston Freeway and Moorooduc Highway. The bypass will also allow motorists to avoid five roundabouts and eight sets of traffic lights. This project is great news for people living in Frankston as well as the many thousands of people who visit the Mornington Peninsula.

More than 60 000 motorists will benefit from improved traffic flow, saving both money and time. This project will also improve freight for local businesses, and up to 10 000 jobs a year will be created by the transport action plan during construction.

Peninsula Link is nation building. It is crucial for the state and is much needed for Frankston and the Mornington Peninsula. It will generate jobs, stimulate investment in our region, enhance tourism for Frankston and the peninsula, ease congestion and shorten travel times.

It is vital that this project get under way by the end of the year so that jobs and investment can start. Notwithstanding the usual and tired scaremongering by local Liberals, there is a strong commitment from the Brumby government to ensuring that this project will

be delivered toll-free. Yesterday's announcement of the expressions of interest process is the next step in this important project.

Coldstream Primary School: funding

Mrs FYFFE (Evelyn) — In a members statement on 14 June 2001 I raised the issue of this government's cuts to funding for rural schools which fell into the Melbourne statistical division by just a few kilometres.

On 14 February 2007, on my return to this house after the last state election, I again highlighted the unfairness of these funding cutbacks for small rural schools. I said then:

The government claims it is committed to improving education and committed to rural Victoria, yet in one fatal policy change it has shown neglect for both ... Just how are these smaller, underfunded rural schools meant to continue to pay for physical education and arts teachers and other vital components of their education programs, for which, because of the size of their classes, they do not qualify, except under the rurality funding?

Coldstream Primary School, which has seen its funding cut, is a caring school. The school community has reached out and cared for individuals and families affected by the recent fires, and it gives excellent care and support to families going through crisis. The parents of the 135 pupils are supportive of the school, but many are battling financially so are unable to raise a lot of funds. And why should parents have to raise money to pay for teachers? That is the government's responsibility.

Coldstream Primary School is less than 5 kilometres from Gruyere Primary School, which receives 100 per cent of possible funding under the accessibility/remoteness index of Australia. It is in trouble. It is running at a deficit; it is going to have to cut back on staff unless the rural funding is reinstated, which at current enrolment figures would be \$83 675. The principal of Coldstream Primary School is an exceptional man who works long hours well after the children have gone home. He takes classes as well as doing a huge amount of work — —

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

Vermont South: toy library

Ms MARSHALL (Forest Hill) — It was with great pleasure that I attended the 30th birthday celebration of the Vermont South toy library on Saturday, 14 March.

Vermont South community house is one of 10 neighbourhood and community houses located in the

city of Whitehorse and one of two located in the Forest Hill electorate. They provide a diverse range of courses and activities for people of all ages from a broad section of cultural and socioeconomic backgrounds and abilities. Without a doubt these houses and the wonderful staff that work or volunteer there are an integral part of what makes a community gel. Classes and groups are designed to encourage community-based learning within a friendly and welcoming environment. This positive environment allows people to share in many of life's ups and downs. The toy library's influence in this way is evident from the fact that daughters of mothers who were part of the library are now becoming involved in it with their own children.

Building social connectedness and networks develops a strong sense of community spirit. I am very proud of the successful role that Vermont South has played in so many individual lives and families in the Forest Hill electorate.

Michael Mullet

Ms MARSHALL — On another matter, having spent many years travelling around the world competing in sports, I know firsthand the great lifelong benefits sports can provide.

It was thrilling for me to read of the successful exploits of a young Forest Hill constituent in the Victorian School Sports Awards that were held on 15 March this year. Michael Mullet is the current champion for Victorian primary schools in the 100 metres and 200 metres events for 10-year-old boys and is the 200 metres Victorian Little Athletics state champion.

A Livingstone Primary School student, Michael's performance both on and off the track is impressive, and he is a great role model for kids his age. I, along with every other member of the Forest Hill community, wish him the very best for the future and congratulate him on his achievements to date. Well done, Michael!

Schools: Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — Many residents in my community are concerned about both the maintenance and renewal of schools within the Ferntree Gully electorate.

The government's own audit in 2006 showed that funding of over \$1.1 million was needed to clear a maintenance backlog in schools in my electorate. A significant amount of this backlog is still outstanding.

The federal government's Building Education Revolution, included in the latest stimulus package, will provide up to \$3 million for schools to 'rebuild or renew large scale infrastructure', according to the package. This does not, however, let the Brumby government off the hook. Whilst schools will benefit from this large-scale building, the state government must not assume that this absolves it of the need to fund building and maintenance at schools across Victoria. I call on the Premier and the Minister for Education to assure residents that the federal money will not be used as a substitute for the state government's future funding program.

Victorian Bushfire Case Management Service

Mr WAKELING — I would like to raise in this house the experience of one of my constituents who was recently affected by the Victorian bushfires. Her property in Mirboo North was burnt out. Following the advice of the Victorian government she called the Victorian Bushfire Case Management Service and registered. She was told that a case manager would be assigned, who would subsequently call her back. She waited but nothing happened. She called again. Again her details were recorded, and she was assured that someone would contact her. It has now been at least five weeks since the first phone call, and she has registered her details at least eight times. She still has not been contacted. It was in desperation that she called my office seeking assistance.

The Brumby government gave an undertaking that all assistance would be given to those affected by the devastating fires. The case management service has been publicised as the one-stop shop for those seeking assistance. Clearly this system has failed the needs of my constituents.

Ballarat: government support

Mr HOWARD (Ballarat East) — Recently the Ballarat *Courier* newspaper published a lift-out segment entitled 'Ballarat prospectus 2009: living, working, investing, growing'. This included over 20 pages of informative material by a range of Ballarat leaders. While the articles noted the challenge ahead for our region in the face of the present global economic downturn, it highlighted numerous good news stories which are setting the Ballarat region in good stead for the future.

It outlined developments at Ballarat airport, improved road and rail connections between Ballarat and Melbourne, new jobs provided by the United Group's Ballarat rail workshops under the new government

contract for new X'Trapolis trains, jobs at SEM Fire and Rescue and new jobs at the Ballarat University Technology Park. It also included an article entitled 'Water to serve a city's needs', relating to the benefits of the goldfields super-pipe to Ballarat. An article on new developments at Sovereign Hill also highlighted opportunities for the tourism industry in Ballarat.

Clearly any reader would have confidence in a great future for the Ballarat region. Most of the projects highlighted were brought about by strong state government support, and it was not surprising that the article also included several photos of the Premier with local state MPs in Ballarat. It is through this proactive approach by the Brumby government that the *Courier* could be so positive about the future of our region.

Diane Spyker

Ms MUNT (Mordialloc) — Last Friday, 27 March, I attended the funeral service of Diane Spyker, late wife of former Victorian MP and minister Peter Spyker, loving mother to their children and grandmother to their grandchildren. Diane passed away on 23 March after a long and debilitating illness. She was only 63 years of age. Diane was a loyal and supportive wife to Peter throughout his political career, staying resolutely out of the spotlight and dedicating herself to being a loving parent to their children. The heartache of losing Diane was clearly evident on the faces of her husband, her family and friends. Peter gave a moving tribute to his late wife, telling the story of how Diane's two great wishes were to have a two-storey house and to visit Italy. In the early years Peter thought that on a fitter and turner's wage those wishes were unlikely to be fulfilled. After he became a minister in the Cain government, however, the family managed to make both of these dreams come true for Diane.

The poem read for Diane at her service said:

Diane has left gentle footprints on the minds, hearts and souls of many here today.

May we always remember the beauty of her love, her kindness and the special way she touched our lives.

Rest in peace, Diane.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Water: Victorian plan

Mr WALSH (Swan Hill) — I rise to grieve for the people of northern Victoria and the state in general, and I ask the rhetorical question: how bad does it have to get before the Premier of Victoria and his water minister listen to what is going on with the water crisis in northern Victoria? After they have listened and admitted they have got it wrong, they should then change direction on water policy and management in northern Victoria.

I am not being melodramatic in saying that I believe northern Victoria is on the verge of an economic and social crisis, which will occur if the current drought continues. But the Premier is deaf to this particular issue and is hell-bent on his plan to take water away from northern Victoria, even though the community there does not have enough water for its own needs, to give it to Melbourne and to other urban centres. He is hell-bent on it despite the fact that experts continually point out to the Premier and the water minister that the government's water plan is built on a false premise. The facts that are behind this policy of the government are false. It is reinforced by people every day that the Premier's water plan for northern Victoria and for supplying water to southern Victoria is built on a very shaky foundation. We all know what happens when you build a building on a very shaky foundation: it eventually falls down and people are hurt.

The Auditor-General was the first to raise this issue for the community of Victoria when he said the food bowl project was effectively being implemented on the advice of a lobby group and that there was a lack of rigour around the figures that project was premised on. Let us not just listen to the Auditor-General. Let us listen to a senior water official who confided that there is no way that the food bowl project would save the promised 225 billion litres. The Premier's own water officials are now saying it is a false premise. The project will not produce those savings.

There are none so deaf as those who do not want to hear, and the Premier and the water minister do not want to hear any criticism of their plan because it is their plan and it must be right. If you talk privately to the engineers who are now doing the food bowl project — and they are warned not to criticise it or they will lose their jobs — they say it is an absolutely laughable project. It is a race to spend \$1 billion. It is not about doing a good thing for the communities, it is not about having a better irrigation system in the future. It is a race to spend \$1 billion so the government can say, 'We have spent \$1 billion and now we are going to take the water'. It is not about achieving what was

promised. It is about a race to spend that money so the government can say it has been done. We as a state are spending \$1 billion of taxpayers money, and we are in a race to do it so the government can say it has been done and can get the water.

Mr Nardella interjected.

Mr WALSH — The member for Melton keeps talking about a \$2 billion project. I point out to the member for Melton that the second billion dollars is not there yet. The amount is 'up to \$1 billion' and it is subject to due diligence. After the first \$1 billion is spent and it is found the promised savings are not there, as is constantly pointed out to the Premier, I cannot see the federal environment minister, Penny Wong, putting in the second billion dollars at all.

It gets worse for the people of northern Victoria. I seriously grieve for the fact that this government is treating them with contempt. Recently a senior Department of Sustainability and Environment water official, Campbell Fitzpatrick, spoke at a water conference here in Melbourne — and I would bet London to a brick that whatever he said at that conference had been authorised if not by the Premier, then definitely by the water minister. Campbell Fitzpatrick said at the conference that northern Victorians are in danger of becoming Australia's first climate change refugees. That is a pretty damning indictment of this government's water policy. As Mr Fitzpatrick said in that presentation, most people think of the first people who will be affected by climate change as those on the low-lying islands of the Pacific, which will be flooded if the sea level rises. But we now have one of the government's own top water bureaucrats saying that northern Victorians are going to become our first climate change refugees.

We have had constant reports on the subject. CSIRO reports have referred to the potential impacts of climate change on the Goulburn and Murray rivers, but again the Premier and the water minister would not listen to the warnings. What do we have now in northern Victoria? We now have a 300-kilometre blue-green algal bloom from the Hume weir to Torrumbarry. That will have impacts not only on the people who live there but also on the tourist industry, particularly at times like now, coming up to Easter, when many people would like to go to the Murray River. We now have a 300-kilometre blue-green algal bloom there.

Mr Nardella interjected.

Mr WALSH — The member for Melton asks the constant rhetorical question: what would you do? The

Goulburn reservoir has a water quality reserve stored for this exact type of event. Every year 30 000 megalitres of water are stored in the Goulburn reservoir as a water quality reserve to flush down the Goulburn. That water could get into the Murray River upstream of Echuca and be used to disperse the blue-green algal bloom, but I ask: what is happening with that water?

Mr Nardella interjected.

Mr WALSH — The member for Melton asks the rhetorical question. That water is being held in Goulburn reservoir for Melbourne in 2010–11. It is not being used to flush the blue-green algae out of the river, it is being stored in the Goulburn reservoir so it can come to Melbourne in 2010–11 to fulfil the Premier's promise to justify building a pipeline — —

Mr Nardella interjected.

Mr WALSH — Because the promised savings will not be there. The member for Melton needs to read the food bowl report, because then he would know the facts.

Mr Nardella — It is part of the savings.

Mr WALSH — I say to the member for Melton that it is not part of the savings. The water quality reserve is totally separate to the savings project and totally separate to the food bowl project — and that water has always been there. That water is being stored for Melbourne for 2010–11 and is not been being used to flush the blue-green algae down the Goulburn and to get that water into the Murray to help there.

Owen Russell from Lower Murray Water has said that this is the worst outbreak of blue-green algae he has seen in the Murray, yet the government is holding the very water that is available to dissipate the blue-green algae as a reserve for Melbourne into the future. How bad does it have to get before the Premier of Victoria will listen? We have been called climate change refugees, but we have a blue-green algae outbreak and the government will not use the water that has been set aside to dissipate that because it wants to use it for something else.

Mr Nardella interjected.

Mr WALSH — Am I lying?

The DEPUTY SPEAKER — Order! The member for Swan Hill will direct his remarks through the Chair. He should ignore interjections from the member for Melton and continue his contribution.

Mr WALSH — If anyone dares to question the Premier or the government on water, they are either ridiculed or threatened. Recently during an interview on the Jon Faine radio program a dairy farmer rang in and asked the Premier some questions about the food bowl project and the north–south pipeline. The Premier went on to explain to the dairy farmer about the 155-litre target here in Melbourne, and asked the dairy farmer, 'How big is your water right?', to which the dairy farmer replied, 'I have 800 megalitres'. The Premier belittled him by saying, 'That sounds like 155 litres a minute to me'. The Premier was implying that the dairy farmer should be able to feed and water his 600 dairy cows with 155 litres a day, because that is what he is asking people in Melbourne to live on. The Premier of Victoria has lost touch with reality if he thinks that a dairy farmer can have a functioning dairy farm on 155 litres per day.

We have had the Minister for Water calling the people of northern Victoria a sorry bunch of people; we have had the Leader of the House saying that they are ugly, ugly people; and now we have the Premier effectively saying, 'Well if you've got a water right to water your dairy cows, you don't actually need that much and you should be able to do it on 155 litres a day'. That is the issue of ridicule.

I come to the issue of threatening, which is a very serious issue. Victoria is effectively a secret state now. If people want to apply through FOI they are constantly held up and have to go through the Victorian Civil and Administrative Tribunal to get — —

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! The member for Melton should cease interjecting.

Mr WALSH — People constantly have to go through a drawn-out process to try to get information about water. But this all came to a head recently when Melbourne Water threatened a staff member of the Leader of The Nationals with criminal contempt proceedings because he wanted to pursue an FOI application to the nth degree with Melbourne Water. Melbourne Water said, 'If you keep doing this we will instigate criminal contempt proceedings against you'. We have had a staff member doing as he was asked to by the Leader of The Nationals — —

Mr Nardella — What was the staff member's name?

Mr WALSH — His name is Clay Manners, and there was an article about it in the *Australian* a couple of weeks ago. We have this situation now that if

you want to get information about water out of Melbourne Water or any of the government departments you have to go through a long, drawn-out FOI process, where every possible blockage to getting the information is put in your way. In this particular instance, when Clay Manners spoke to the Leader of The Nationals and informed him of what he had been doing on his behalf, Melbourne Water said, 'You were the applicant, you should not have talked to the Leader of The Nationals and we will start criminal contempt proceedings against you'. The maximum penalty for the offence in question is five years in jail.

The member for Melton laughed about my comment concerning the secret state, but when a staff member of a member of Parliament who tries to get information through FOI is potentially threatened with five years in jail for doing so, we are in a very sad state here in Victoria. We should hang our heads in shame that this Parliament would allow that sort of thing to happen in this state. If you cannot get information, if you are constantly blocked by the government and if you are threatened with potentially being jailed because you are pursuing an FOI application, I would say we are in a secret state.

Two days ago the Minister for Water was having one of his sessions on the Neil Mitchell radio program, probably not thinking that anyone in northern Victoria would listen to the lies he was telling. But the Minister for Water said on the Neil Mitchell program that by lining half a kilometre of channel in the central Goulburn irrigation district he was saving 1000 megalitres of water. I have never heard anything so silly in my whole life — to think that 1000 megalitres would be saved by lining a piece of channel half a kilometre long. The normal rule of thumb used by Goulburn-Murray Water for the lining of a channel is that it will save something between 50 and 100 megalitres of water per kilometre, not effectively 2000 megalitres per kilometre, as the Minister for Water suggested on the Neil Mitchell program. This spin machine is constantly working and putting all the propaganda out there to effectively try to justify a project that has been built on a totally false premise.

Mr Nardella interjected.

Mr WALSH — The rhetorical question I put back to the member for Melton is: where is the food for Victorians going to come from if irrigation in northern Victoria is effectively closed down?

Mr Nardella interjected.

Mr WALSH — As I have said to the member for Melton — and he has not listened — the food bowl project is a race to spend \$1 billion. It is not about achieving a good outcome; it is a race to spend \$1 billion so the government can justify taking water away from the area. It is not going to deliver the promised savings. The confidence of people in northern Victoria is very low because of the drought and because of the low water allocations — because of all the problems they have been having. But this government, particularly the Premier and the Minister for Water, is constantly undermining what confidence remains. The perpetual spin about what will supposedly be delivered with water projects up there is not reality. The people on the ground know that, and the people building the project know that. The spin machine constantly goes on, but the reality for those in northern Victoria is that the rhetoric does not match the facts. I do not believe northern Victorians will be the first climate change refugees — they will be Brumby government water policy refugees.

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

Opposition: performance

Mr NARDELLA (Melton) — Today I grieve for the Leader of the Opposition and the Liberal Party. The Borg are an evil race of cyber beings within the *Star Trek* universe who forcefully assimilate other beings and convert them into the 'collective'. They are the prime sinister villains within the *Next Generation* and *Voyager* series. The Borg have two credos and sayings. The first one is: resistance is futile. The second is: you will be assimilated. In Queensland they had Lawrence — the Borg — Springborg, who failed to win the unlosable election after 'assimilating' the Liberal Party into The Nationals to make the Queensland Liberal National Party, the LNP. We have our own Borg here in Victoria — but more on that later.

At the start of 2008 the Leader of the Opposition sought to make his mark on the opposition and to create a new dynamic in Victorian politics. He reshuffled his front bench and reformed a coalition with The Nationals.

His actions led to some raised expectations:

... now that Baillieu has got the team he wants, he needs to start kicking more goals.

It's on your head, Ted.

That is from an article by Paul Austin, entitled 'Baillieu in calmer waters' and dated 31 January 2008. In an

article that appeared in the *Age* of 14 February 2008
Paul Austin also says:

But if things go according to plan, this week —

a new coalition arrangement —

should mark the start of the long road back to relevance for the 'conservative' parties in this traditionally conservative state.

It is a year down the track but what has the Leader of the Opposition achieved strategically? He has no strategy other than to oppose everything.

This was confirmed by Donna Petrovich, a member for Northern Victoria Region in the other place, at the Sunbury public meeting last week, when she said, 'The role of the opposition is to oppose'.

A further quote states:

He needs to recognise his strategy against Labor has been disastrous ...

That is from a Liberal Party source which was referred to in an article headed 'Libs fed up with non-performing leader Ted Baillieu', which appeared in the *Herald Sun* of 24 March 2009.

A further quote says:

He needs to put forward policy ideas instead of carping criticisms.

That is from an editorial entitled 'Baillieu not up to speed', which appeared in the *Herald Sun* of 23 March 2009.

Another quote reads:

He's ... made no impact.

That is from a Liberal Party source and appeared in the article entitled 'Libs fed up with non-performing leader Ted Baillieu', which appeared in the *Herald Sun* of 24 March 2009.

The Leader of the Opposition stands for nothing. Shortly before the leadership reshuffle and the coalition reform, the leaked report by former upper house leader, Mr Philip Davis, admitted that the opposition had no direction and stood for nothing:

From 1999, since we have been in opposition ... we have not articulated a clear and consistent message that establishes the basis for our policy direction.

We have ended up with an incoherent policy mix that sends no clear message.

That is from an article by Paul Austin, entitled 'Victorian Libs "stand for nothing" — secret report says party is confused', which appeared in the *Age* of 17 December 2007.

Once it became clear that the Leader of the Opposition was still not getting the message, his own staff secretly started a website about him, called 'He who stands for nothing', as was disclosed in another Paul Austin article headed 'Baillieu hits out at "traitors"', which appeared in the *Age* of 12 May 2008.

The two staffers who work closely with the Leader of the Opposition describe him as 'a vacuous moron' who is 'bone idle, seeks power for power's sake, is risk averse and considers longevity more important than achievement and reform'. That is sourced from an article entitled 'Do nothing Baillieu looks to Bracks for answers', dated 27 February 2008. The 'He who stands for nothing' blog is also available.

The Leader of the Opposition apparently ignored warnings he had received two years prior to the website scandal about disloyal and treacherous elements within his inner circle. That was revealed by Paul Austin in a 20 May 2008 article entitled 'Baillieu told of "treachery" two years ago'. The Leader of the Opposition has still failed to define himself and his party. I again quote:

His main problem is that as opposition leader he has become merely a leader who opposes everything.

Where is that from? It was in an editorial headed 'Baillieu not up to speed' that appeared in the *Herald Sun* of 23 March 2009.

Core Liberal supporters have been abandoned. A further quote says:

More significantly, Mr Baillieu has failed to make headway on what should be bread-and-butter issues.

That is again from the editorial headed 'Baillieu not up to speed', which appeared in the *Herald Sun* of 23 March 2009.

A further quote:

Can someone ... please f...ing remind him —

that is, the Leader of the Opposition —

that this is the Liberal Party — the party of business.

Who said that? Luke Dixon, former staffer of federal Liberal MP Phil Barresi and was contained in a leaked email. The source is an article by David Rood and Paul

Austin, headed 'Scandal claims fourth Lib scalp', as it appeared in the *Age* of 14 May 2008.

The Leader of the Opposition is still avoiding the big issues. On a number of topics this is what has occurred. In relation to the Black Saturday bushfires an article by Brendan Donohue, entitled 'Fires leave Brumby no cover', which appeared in the *Sunday Herald Sun* of 1 March 2009, says:

Opposition leader Ted Baillieu has missed a big opportunity ... so far he's sat on the fence, too scared to act.

On the economy and global financial crises I quote from an article by Paul Austin, entitled 'The significant downside of Ted Baillieu on the economy', in the *Age* of 19 March 2009:

When the moment came, Ted Baillieu had almost nothing to say.

Another quote:

On a day made for oppositions, he put in an insipid performance ... he had almost nothing to offer on what this government should do differently or what he in government would do differently.

On water, Sugarloaf and the pipeline, the article says that 'the coalition has two water spokespeople, who say different things in the city to what they say in country Victoria'. We heard that just a moment ago. An example is the coalition's backflip on Sugarloaf. It said it would not use it, and then the next day it came out and said it would.

Plug the Pipe spokeswoman Jan Beer said people in the country were 'really ticked off' with the policy reversal. She said:

People are just disappointed that they (Liberals) haven't had a stiffer backbone ...

They wanted to make a statement to make people realise there really is no water up here but they really didn't think it through.

The source of that quote is Geraldine Mitchell and Nick Higginbottom in an article entitled 'Liberals go to water on pipeline plan' that appeared in the *Herald Sun* of 22 September 2008.

On the environment and climate change:

We have tended to position the party at the opposing poles of the environmental debate. We want to say to business we support resources utilisation, but suddenly the thought of the environmental consequences of that position turns us green.

Who is that from? The former upper house Leader Philip Davis. The quote appears in Paul Austin's article headed 'Victorian Liberals "stand for nothing" — secret

report says party is confused', which appeared in the *Age* of 17 December 2007.

The Leader of the Opposition's parliamentary team is stale, but he has done nothing to attract new talent. An article in the *Herald Sun* of 24 March 2009 states that there is a growing sense of frustration with the state parliamentary party and the number of long-serving members who are not performing. A Liberal source called for up to 10 MPs to step down before the next election to reinvigorate the party with the new talent.

Another quote from an article by Paul Austin headed in part 'Let the showdown begin', which appeared in the *Age* of 14 February 2008, states:

... even Liberals privately concede their talent pool —

that is, of shadow ministers —

isn't deep).

And don't we know it in here! We see it every day this Parliament sits.

Former Liberal upper house Deputy Leader Andrea Coote said the same thing over a year earlier but also was ignored:

We need to have refreshment, we need new talent and we need to be able to recruit properly.

That quote is from an article entitled 'Lib's exit shocks party', which appeared in the *Herald Sun* of 26 January 2008.

Is the Leader of the Opposition taking all these criticisms seriously? Is he listening? The transcript of a doorstep interview of 25 March 2009 shows he was asked, 'So where do you think these criticisms are coming from though, from your own party and outside your party? Do you think voters are justified in saying that they're disappointed with your performance?' The Leader of the Opposition responded, 'But they're not criticisms I'm hearing of colleagues or colleagues are hearing'.

It is time for someone new:

Now's time to give someone else a chance, get policies out and get business back onside before the next election.

That quote is from a Liberal Party source and appears in an article entitled 'Liberals fed up with non-performing leader Ted Baillieu', which appeared in the *Herald Sun* of 24 March 2009.

What does all this mean? Let us have a look at the telling news poll carried out in late January or early

February. The first one was the polling question, 'Are you satisfied or dissatisfied with the way the Leader of the Opposition is doing his job?'. The poll shows 37 per cent are satisfied, 39 per cent are dissatisfied. He has gone into negative territory: he is 2 per cent into negative territory. Let us compare that with the results for the Premier: 52 per cent are satisfied and 31 per cent are dissatisfied. That equates to a positive 21 per cent. What a comparison: minus 2 per cent compared to a positive 21 per cent!

The next polling question was, 'Who do you think would make the better Premier?'. The result was that 54 per cent thought it would be the present Premier, while 22 per cent thought it would be the present Leader of the Opposition — that is, a positive 32 per cent in favour of the Premier.

Another question was, 'Which party would you give your second preference to?'. On a two-party preferred vote the Australian Labor Party — members should understand what this is going to mean — is on 60 per cent, while the Liberal-National coalition is on 40 per cent. Of the uncommitted voters, 46 per cent would vote for the ALP while 31 per cent would vote for the Liberal Party and 2 per cent for The Nationals, and there are some other ones there as well.

Let us have a look at what means in the sense of the pendulum. It would mean that the honourable members for Ferntree Gully — this is the new stock, the renewal — Kilsyth, Hastings, Morwell, Narracan, Evelyn, Bayswater, South-West Coast, Box Hill and Bass would become history with that 5.6 per cent swing against the Liberal Party as compared to the previous election. That applies especially to the honourable member for Bayswater, who said this was the easiest job she had ever had — and those opposite are sitting on 40 per cent!

I will come back to the Borg, and in the process I will let you into a secret. Opposition members have been talking to me about this secret. They are looking at all options. The Nationals are the Borg. They are assimilating the leaderless and hopeless Liberal Party. As the Borg say, 'Resistance is futile'. Stage 1 has occurred. The coalition is in place — Victoria's NLP (National-Liberal party). Stage 2 is in play. The information that my honourable friends opposite have been giving to me and that they have been doing the numbers on is that the Leader of The Nationals is being seriously courted and that the numbers are being done to make him the Leader of the Opposition. Peter 'the Borg' Ryan will take over.

I have worked with the Leader of The Nationals since 1992. Let us have a look at his qualities and compare them with the qualities of the temporary Leader of the Opposition. Like the Borg, the Leader of The Nationals is assiduous, he is hardworking, he is an intellectual, he can think on his feet, he is smart, he is a natural leader, he is respected, he is experienced, he is a performer, he will not be undermined and he single-handedly saved The Nationals from oblivion at the last state election. He is strategic, and he has the mongrel in him. Finally, he can do the numbers. How does that compare with the Leader of the Opposition at the moment? Let me tell you, Deputy Speaker, that the supporters of the Leader of The Nationals are on the phones. They can see the polling figures, they can see themselves being wiped out at the next state election come 2010, they know the results of the polling, and they do not want an even worse result than they got in the disaster at the 2002 election under former Leader of the Opposition Robert Doyle.

That is what the opposition members are facing at the moment. They are facing a worse result than the 2002 Doyle disaster when their numbers shrank to oblivion and when the members of the opposition found out there was no renewal because they had lost all their members. They understand that they have to do the numbers now to put the Leader of The Nationals into that position as Leader of the Opposition to save their own hides and their own seats. He has the form, he has the respect and he has the runs on the board that he earned when he saved his party from political oblivion when it was under attack by the Liberals during the last state election. He can do it. The Liberal Party and The Nationals have a choice, and they need to make it pretty quickly, because time is running out. They can either go for somebody who is a performer, who can develop policies and who is not bone lazy, or they can stick with the person who cannot perform, who is bone lazy and who is taking them into oblivion very quickly.

Hospitals: waiting lists

Mrs SHARDEY (Caulfield) — I rise to grieve for Victorians who are unable to access proper and timely care within our hospital system. I particularly grieve for those Victorians who are relying on our public hospital system to advise them when they will be able to get treatment and how they will get treatment. They need to be able to rely on hospitals to give them proper information about the likelihood of getting their surgery in a timely manner.

This morning in the *Age* there was yet another airing of the data manipulation that appears to be going on in the hospital system. Again there was a denial and a claim

of not knowing anything about the issue by a minister who is, frankly, quite out of his depth. I believe it is time for him to take a walk. What we saw in the paper today was a report that large major hospitals in Victoria are shuffling patients onto what they call not-ready-for-care lists — the phantom secret waiting lists yet again.

At the Austin Hospital some 40 per cent of the patients treated in surgery over a nine-month period were quickly moved back onto the waiting list just a couple of days prior to receiving their surgery. These people had all been put on the not-ready-for-care list. We even have evidence provided by a nurse from that hospital to prove that this is true. I quote from an article on page 3 of today's *Age*, which states:

She said when an outpatient clinic put a patient on the waiting list, they were immediately classified as 'not ready for care' for 60 days, to hide their true waiting time from official records.

'It meant they didn't exist', she said. 'I would see the (waiting) list and recognise patients that had been referred for surgery weeks earlier, and it would say, "Nil days on waiting list".'

In other words, it is a deliberate manipulation, with people being moved off the reported waiting list onto this phantom waiting list and only being brought back when they were going to have their surgery. This allows hospitals to fiddle the figures, if you like, to ensure that they are not fined for not meeting key performance indicators and to ensure that they get bonus payments for performance. I think it is an absolute outrage. This shows that there is very strong evidence of warehousing. It involves a large number of hospitals, but in particular the Austin Hospital, the Royal Melbourne Hospital, the Royal Children's Hospital, the Royal Victorian Eye and Ear Hospital et cetera.

This information and data have not just been plucked out of the air. This data was provided from the minister's own department, so he cannot evade responsibility by claiming ignorance yet again. I believe it is time for the Minister for Health to put the health of Victorians ahead of his own job, to admit that he is incompetent and to just resign, because he is performing poorly and is not standing up for Victorians.

Over the past two weeks we have also witnessed a disgraceful performance by the Minister for Health in failing to tell the truth about other fraudulent manipulation of waiting lists, particularly at the Royal Women's Hospital. All this came to light through a computer expert who saw firsthand what was going on in our hospital system. I refer again to reports in the

media about what he believes has occurred. He named three hospitals where he believes this data manipulation was occurring, and the Royal Women's Hospital was one of them. Of course the way this came to light — the way the minister got caught out — was not only through this person going to air but through the hospital itself having to admit to the department that its figures were not ridgy-didge, that its figures were fraudulent and false.

An article in the *Age* of 16 March states as follows:

In the leaked file, the computer expert claims hospitals are falsely improving their performance by removing patients from waiting lists under the guise of a 'patient-initiated deferral', when patients had made no such request.

This practice means a patient could be waiting up to a year for surgery, yet hospital records would show a much shorter wait.

The article also states that the computer expert alleges:

Hospitals are using two sets of waiting lists, and one list is kept 'in the drawer' ...

In other words, as a patient, your name may not even make it onto the waiting list and may not even make it onto one of these phantom waiting lists. You could just not be reported at all. This means that hospitals' data is making it look as though they are performing well when in fact they are not performing at all.

All of this information went to the minister's department, but of course he turned his back on it. The minister was finally forced to order an independent inquiry. When the excuse 'It's just an error in data entry' did not wash, he was forced to order an inquiry. Paxton Partners conducted this inquiry, and it is amazing that Paxton Partners managed to produce this report in less than two weeks. Not only can the minister not find information through his own inquiries but he cannot get his inquiries completed. In any event I will read some quotes from this report because I think it goes to the heart of what we are talking about and to the heart of the fact that this minister, even with the bare evidence before him, cannot accept responsibility. He should be accepting ministerial responsibility, and he should be resigning from his position.

On page 11 of Paxton Partners report it states that with all this warehousing of people on the not-ready-for-care list or the phantom waiting list:

The average waiting times for patients subjected to this data manipulation process was materially longer than the average waiting time for category 2 patients treatment in accordance with ... business rules.

Category 2 patients are patients who are semi-urgent. They should be operated on within 90 days, so it is not

as if they just have mild illnesses; these patients have very serious illnesses that should be attended to. They should not be kept waiting and their health should not be put at risk.

Another point made by Paxton Partners is that the staff believed this was something that was known, not just at their reporting level but much higher up the chain. The report states on page 13:

A number of booking office staff who admitted to knowing of the practice, stated ... they were firmly of the belief that the practice was known to senior/executive management and that the process was condoned.

The process was condoned! On page 23 it states:

Comments from the peri-operative services management indicated that they considered senior/executive management were aware of the waiting list data adjustments ... comments made in monthly review meetings. Such comments were to the effect of there being 'two waiting lists'.

The two lists are the one that is publicly reported and the one that is hidden. Page 31 of the report has a description of how this occurs. It is headed 'Report indicators' with the subheadings 'Waiting list — stop clock' and 'Administratively deferred patient'. It states:

Using the Crystal report, the booking clerk identifies the number of days remaining to target ...

That means the date on which the patient should have surgery. It further states: —

... with respect to the days the patient has already been on the waiting list. Patients approaching the target days —

the cut-off days when they should have had their surgery —

are deferred as 'not ready for care' — patient initiated.

'Patient initiated' means the patient says, 'I do not want my treatment; I am going on a holiday', or, 'I need to look after the grandkids'. This morning we heard the chief executive officer of the Austin Hospital claiming that a large number of patient-initiated deferrals were from category 1 patients. Excuse me! These are people who have an urgent problem. They need surgery in 30 days but, lo and behold, they are supposedly saying, 'No, I cannot make it to the surgery'.

In his hospital's case 85 per cent of these people parked on this phantom waiting list were said to be patient-initiated deferrals. It is just not plausible; this is manipulation. Of course, the chief executive officer of the Austin Hospital was forced to make up some phoney excuse. He claimed there had been data entry errors. Is that believable? Is the minister prepared to come into this house and repeat that? I dare him to.

Honestly, it does not stack up and the minister knows full well there are problems on which he has turned his back.

According to media reports, on 23 February the Royal Women's Hospital senior executive informed the Department of Human Services of the manipulation, and 'that the hospital's elective surgery waiting list of 100 per cent was false'. Yet we are led to believe that when the story of the manipulation of data at the Royal Women's Hospital was made public on 16 March the minister knew nothing. The hospital had told his department on 23 February that the figures were not true and that there were falsifications, yet by 16 March the minister knows nothing about it. Either he does not know what is going on in his own department or he is not telling the truth about what is really happening.

The minister's response was to deny all knowledge of it. He was not willing to face the public. He sent out his spokesman, who said, 'We are not aware of these claims, and anyone with information or evidence that this is happening should come forward so it can be investigated through the appropriate channel'. What a laughable response! Of course it really ended up putting egg on the face of the minister because it was proven. The Paxton Partners report to the minister actually proved it.

Four days later it came to light that another audit had been ordered by the minister. This is the audit of the virtual ward saga, which was reported in one of our newspapers. In any event the article reported the fact that the minister had ordered a report into virtual wards. That was in August of last year, when the Australian College of Emergency Medicine exposed the fact that it had done a survey of doctors working in emergency departments in which these doctors had said they were forced to fudge the figures. It said they talked of virtual beds; and the idea that someone is admitted to hospital in theory but really they are still on a trolley and have not been admitted at all.

The minister claimed at the time that he was starting an inquiry. Then we heard that the inquiry showed nothing. Now we hear there actually is an inquiry that will be looking at all hospitals and all emergency departments. I question whether this has anything to do with the Auditor-General's report that has been issued just today.

I would like to know about the facts surrounding the ordering of the report in light of today's report: it looks very suspicious. It looks as if the minister is ordering an inquiry and report into something that the Auditor-General has reported on today. Was this

inquiry started by the minister after he saw the draft of the Auditor-General's report? I suggest that that question should be answered. In any event there have been plenty of warning signs spelt out chapter and verse in the media of problems that the minister has actually walked away from.

The *Age* of 20 March has a whole page of the sagas that the minister has denied. In each case he has turned his back; in each case he has said he does not know anything; and in each case he has failed to investigate. The opposition has raised many of these issues over the past 18 months and was told that it was nonsense. I have received vast volumes of information by freedom of information applications which — —

Mr Nardella — Why didn't you pass it over?

Mrs SHARDEY — The information came from hospitals. It came from the department itself. These are figures that the department has and the minister has, yet he denies the reality of these figures. He is the one who does not know what is going on; he is either incompetent or is turning his back on the truth and trying to cover up. I think it is time this minister took full responsibility. He should resign in the wake of this monumental cover-up in our health system, because it appears with his persistent denials that he is more concerned with protecting his own job and with protecting and keeping his party in power than with thinking about the good of patients. He should be sticking up for Victorian patients and the Victorian community. He should be telling the truth about what is going on; he should not be hiding behind the skirts of public servants. He should be coming out and explaining to this Parliament what has been going on and what he is doing about it.

I think the minister is incapable. I call upon the government and upon the Premier to order an immediate inquiry into all hospitals. On two separate occasions in the past the Auditor-General has called upon the government to — —

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

Public transport: coalition policy

Mr HUDSON (Bentleigh) — I grieve for the Liberal Party and The Nationals, which have completely failed to develop any coherent policies on public transport. This is an opposition that lacks any policy to deal with the increasing patronage on public transport which has seen record investments from this government. We have seen unprecedented patronage

growth on our trains, trams and buses as a result of our investment, but the opposition has nothing to say about it. The government has committed \$38 billion over 10 years through the Victorian transport plan to deal with this increased patronage.

Let us look at what the government is doing. It is building 38 new trains at a cost of \$1.25 billion over the next four years; the first of these trains will come into service at the end of the year. We have invested \$115 million on the electrification of the Craigieburn line, including the completion of the new Roxburgh Park station. We have introduced more than 1300 extra train services every week than there were in 1999.

Let us now look at what the opposition has done or says it will do. The opposition has no policies at all to deal with this patronage growth. At the last state election the Liberal Party promised to deliver just six new trains. Not only was that hopelessly inadequate, but it is not possible to build six trains for \$90 million — \$90 million will give you only three trains. Labor is delivering 18 new trains with another 20 to come, the Liberals 3. At the last state election the Liberal Party committed just \$71 million to extend public transport lines, and pretended that it could extend the Cranbourne line from Cranbourne to Cranbourne East over the South Gippsland Highway, which involves a grade separation, for \$6 million. A Harvey Norman bargain! Come on down, interest-free for 24 months! Six million dollars — that is what it promised.

The opposition promised to extend the line from Huntingdale to Rowville for \$2 million, an even bigger bargain! It also promised just \$12 million to extend the train line to South Morang — two tracks, at least three major grade separations over three major roads — for \$12 million. The government has costed the rail extensions to South Morang and Cranbourne East, together with the electrification of the lines to Sunbury and Melton, at \$2.5 billion. That is what it will really cost. The Liberal Party extensions at the last election were estimated to cost \$20 million. The Labor Party policy is to spend \$2.5 billion. Which figure do you think will deliver those rail projects? Which of the policies is the thought-out policy in this area? What do members think will actually deliver trains to residents in those rapidly growing suburbs?

Then we had the recent performance by the member for Polwarth where he ditched the state government's commitment to build the metropolitan rail tunnel between Dynon and Domain and then to Caulfield. On the Jon Faine program on ABC radio in February of this year the member for Polwarth said that we should not build the rail tunnel; that we should focus on the

basics. Back to basics, he said — sleepers, track maintenance and signalling upgrades. He ignores the fact that we spend at least \$80 million on those very things every year.

But what does it mean if the metropolitan rail tunnel is not built? It means that in stage 1 we will be unable to run an additional 14 trains every peak hour into the central business district (CBD) from the highly congested rail lines in Melbourne's west, north and south-east. It means that eventually 40 000 more people will not be able to catch a train during peak hour compared with today. It means that people in the west and north-west of Melbourne will have no direct access to the job-rich areas of the central business district, the hospital and university precinct, St Kilda Road and the south-eastern suburbs. It is saying to those areas, which are undergoing major structural change, particularly in the manufacturing industry, 'You will not be able to access new generation jobs in the central business district (CBD) and the inner city of Melbourne'. It means that we will be unable to boost capacity on the Dandenong line, one of the biggest growth corridors in Melbourne. It means that trains travelling into the CBD will no longer be able to find clear pathways into the congested city loop.

In short, the system will eventually grind to a halt because the Liberal Party has no policy to deal with the massive expansion that we are experiencing not only in the population of Melbourne, but also in patronage on our public transport system. The Liberals are lazy. They have not done the work and they do not want to do the work, because if they did the work they would have to make some real commitments to public transport. The Liberals would have to stop pretending that they have a policy! They would have to stop having a Thomas the Tank Engine policy. They would have to stop offering half-baked solutions to serious problems. They would have to come up with some real priorities and make some hard decisions about those priorities.

But the Liberal Party under this Leader of the Opposition does not want to do that. It wants to pretend that the solutions are simple. It wants to pretend that the solutions are cheap. It wants to pretend that it will not cost much money to fix the problems with the growing patronage on our rail, tram and bus networks in Melbourne. It wants to ignore the fact that Melbourne is no longer a city of 3 million people but a growing metropolis heading towards having a population of 5 million people. It just wants to get itself elected. But you do not get elected offering snake oil. Oppositions do not get elected by complaining that things could be better. Oppositions do not get elected unless they offer real solutions that address the issues, and the opposition

has not done that. The opposition's 2006 transport plan did not do that.

What about those people who are not on rail lines? What about those people who rely on buses? What about the two-thirds of Melburnians who live beyond the train and tram tracks? During the seven years that the Liberals were in government they failed to upgrade one single bus service anywhere in Melbourne. At the 2006 election the Liberal Party failed to commit to a single improvement or extension of a bus service anywhere in Melbourne or regional Victoria. Those people are completely ignored by the Liberal Party. They would have been left without any additional bus routes in the outer suburbs of Melbourne.

In the last two years the Brumby government has improved 146 metropolitan bus routes. We have provided 9630 additional weekly trips. We have provided increased frequency and longer operating hours. Under the Victorian transport plan released last year \$1.2 billion is being invested in metropolitan bus services. Let us look at the Doncaster area rapid transit (DART) program. We are expanding the Eastern Freeway express bus network at a cost of \$360 million. There will be services on the DART system every 7 to 10 minutes during peak hour, and they will operate between 5.00 a.m. and midnight on weekdays, from 6.00 a.m. to midnight on Saturdays and from 7.00 a.m. to 9.00 p.m. on Sundays. This will benefit residents in Doncaster, Templestowe and Warrandyte.

What do the Liberal members from those areas have to say about upgrading this bus route? What they say is, 'We haven't got a train', but they do not promise a train. They do not promise to deliver a Doncaster rail service. They just say, 'We haven't got one', and they do not promise to deliver one because they know they could not fund one. They do not support the upgraded bus network because that is being delivered by the Brumby government, and it is a real improvement to services and residents in those areas.

Let us have a look at the SmartBus network. We have committed \$290 million to continue the rollout of SmartBus, with an additional 70 kilometres of upgraded routes that will connect the radial rail lines of Melbourne. The Red Orbital SmartBus routes linking Mordialloc to Altona start on 20 April. These bus routes will provide links across the metropolitan radial rail network. Some of these SmartBus routes have seen increases in patronage of 50 per cent, yet the member for Polwarth says SmartBus technology is failed technology. The only thing that has failed is the Liberal opposition coming up with a single policy on buses. It has not a single one. The Liberal Party has nothing to

say to those residents who live beyond Melbourne's train and tram network, nor has it anything to say to regional Victoria about buses.

What the Liberals are doing is condemning those people to relying on their cars. If they cannot rely on cars, they are condemning them to social isolation. They are condemning them to an inability to properly access jobs. The Liberal Party has forgotten them because it has forgotten to deliver a policy that will help them. It also forgot to develop a regional bus policy. It had not a single policy on buses for regional Victoria at the last state election, whereas this government has delivered more than 4000 extra bus trips each week to regional areas, including better connections with V/Line trains and coaches.

The Liberals opposed our regional fast rail project. They ran it down, criticised it and said we should not spend that amount of money on connecting people in Geelong, Ballarat, Bendigo and Traralgon to the major metropolitan labour markets and the central business district. We have added an additional 400 services each week on the regional rail network. It is the biggest investment made in regional rail in decades. What have we seen? We have seen passenger numbers on our regional rail network at a 60-year high. People are flocking to the service. They can use it to access jobs, to access sporting and cultural activities in Melbourne and to visit family and friends. But the opposition has nothing good to say about it, and presumably the opposition would not have done it.

The Liberals failed at the 2006 election to promise one additional regional train to meet the expansion. They knocked the regional rail network, then after it was built and people flocked to it they said, 'Yes, but we would not provide any more regional trains'. That is because the Liberals stand for nothing but opposing Labor's policies and knocking what Labor is doing. The opposition has failed to articulate a policy because it does not know what it stands for on public transport, and it does not know whether it wants to cut taxes and borrowings or invest in services and infrastructure. It has not got a clue. It wants to pretend it will do all those things, but we know it will not do all those things.

You have to stand for something. You cannot just sneak into government. You cannot just hope the public will vote you in on the basis of shallow and poorly costed promises. The public will not buy that. They know you cannot build a double-track line to South Morang for \$12 million. They know you cannot build a line to Cranbourne East for \$6 million, and they know you are not going to get from Hughesdale to Rowville for \$2 million. They know these are just shallow promises.

They know the opposition is not really committed to a serious public transport policy. They know the opposition has no plans to connect Melbourne, to reduce congestion on our roads, to ensure people have access to labour markets or to ensure that people are not condemned to social isolation.

Tackling our transport challenges requires hard work and commitment, things members of the Liberal Party are incapable of doing or showing. Since the debacle of the 2006 policy the Liberals have not released one single initiative to tackle the growing patronage on our metropolitan rail system. We have an extra 70 million passenger trips a year due to people travelling on our trains. People are flocking to our trains because we are investing in trains. The Liberals do not have a policy, and they do not know what they stand for.

Police: performance

Mr McINTOSH (Kew) — I grieve for the state of Victoria Police. I also grieve for the people of Victoria, who do not have the police force they deserve. The cause is the direct responsibility of this government because of the way it has gone about managing our police force. I have reiterated on a number of occasions that my criticisms are not directed at individual police officers or the police themselves but at the management of the system. Last year on 6 February the Minister for Police and Emergency Services rose in this house in relation to the modernisation of Victoria Police and stated as follows:

Policing has been smarter over ...

the last five years —

with additional resources and technology.

...

... what we have seen is a force that has been prepared to change and to modernise.

Underscoring that statement was the government's proposition that it was moving to a more evidence-based notion of policing.

Gone are the days of the traditional tried and proved mechanism of policing, which is to have front-line police on the beat deterring crime. Everybody will tell you that the greatest deterrent to crime is visible police. We are consistently told that is what evidence-based policing will do. However, the most important thing is that evidence-based policing has had its two pillars pulled out from under it in the last few months. The first pillar is that you have an appropriate level of crime statistics and an appropriate mechanism for reporting

them. Indeed the Ombudsman said that public confidence in our ability to deal with crime in this state is dependent upon the state having an appropriate mechanism for reporting crime. The second pillar of evidence-based policing is that you have an appropriate mechanism for collecting, storing and dispensing data to enable the police to properly deploy their forces to deal with the issues of crime. But we know that the Ombudsman has reported on recent revelations following a complaint by the Leader of the Opposition and based on a number of anonymous police sources who were reported in the media as being concerned about the level of reporting of crime statistics in this state. The Ombudsman reported in effect that the collection, maintenance and dissemination of those statistics was dodgy. 'Dodgy' is the only word that can truly sum up the Ombudsman's finding on the collection of crime statistics.

The second thing concerns other recent revelations — they are not actually that new; they have been around since 2003 — that came to the attention of the people of Victoria last year when the commander of the ethical standards department, David Sprague, was given the task of investigating the business information technology service of Victoria Police. The report of his findings still remains behind locked doors, but we know that at least one person, a public servant employed in the business information technology service, has pleaded guilty to criminality in relation to those matters.

The report commenced a process of a large number of leaks, not only to the newspapers but also to the opposition. There are substantial rumours of misuse of funds, kickbacks, rorting of contracts and out and out incompetence in the business information technology service section of Victoria Police. That section maintains the whole of the data collected for Victoria Police, so if its statistics are dodgy and if its mechanism for collecting, storing and disseminating information is dodgy, that underscores the problem that the opposition has with evidence-based policing in this state. Evidence-based policing might be fine, but if the two pillars that underpin it are dodgy, you have dodgy evidence-based policing.

The opposition has been expressing its concerns: the government has added all these extra police, but where are they? We know that Victoria now has the lowest number of police per head of population of any state. We also know that Victoria Police has the lowest level of funding of police per head of population of any state. The opposition has highlighted on a number of occasions that the long-term absences of front-line police in police stations around this state have created

vacancies of 10, 20 and even 30 per cent. These long-term absences are not necessarily due to annual leave or even sick leave but are the result of factors such as unfilled vacancies, secondments, maternity leave, long service leave and WorkCover claims. The primary WorkCover complaint is stress, which arises because our front-line police are being overworked. Those sorts of absences were demonstrated on the ground recently when I attended a public protest in Brimbank. All the local members of Parliament were invited to attend but only the member for Keilor turned up — and he was late. The community was outraged by the lack of policing. This was a protest in Labor's heartland, and members of the community were outraged that there are not sufficient numbers of police to protect them.

This week we have another revelation that in the south-west of the state some 16 police officers are to be pulled out, with the majority of those from Warrnambool. In Warrnambool alone one in six police officers are absent due to long-term absences. That action will put pressure on the smaller police stations in the vicinity. The government is removing 16 police just to get over the problem that there are unfilled vacancies in that area. The Police Association has indicated there could be as many as 26 police absent from the front line in the south-west due to long-term absences.

On the issue of the lack of front-line police, the government has continually said, 'We are moving towards an evidence-based and intelligence-led police force'. That is fine as long as the two pillars that underscore the policy are appropriate. However, we know that particular mechanism is dodgy because those two pillars have recently been pulled down. We know that the Ombudsman has reported to this place — and indeed it was a matter of enormous public interest — that there has been chronic underreporting of serious crimes, particularly assaults. We know even from the official statistics we have at the moment that violent crime in this state has risen by over 50 per cent since 1999. It now appears that even that figure may be underrated. The figure may not be correct. It may be much, much higher, particularly in relation to assaults.

We also know that the Ombudsman has discovered that Victoria Police has on some occasions boosted its clearance rates — that is, the rates indicating the process which occurs once a crime is detected and a perpetrator is caught, taken to court and convicted. Clearance rates have been artificially distorted in a number of different ways. In one case mentioned by the Ombudsman, 1000 different offences were cleared up after four years, with an officer levelling them at just one perpetrator.

I note that the Ombudsman has referred this matter to the Office of Police Integrity. We also know there is an inconsistency in that data collection in relation to a completely inconsistent number of 000 calls reporting very serious crimes that do not find their way onto the law enforcement assistance program (LEAP) database. Similarly statistics in relation to the computer-assisted dispatch (CAD) system do not necessarily correlate with the LEAP database.

We have also seen profound delays in the recording of data because of the antiquated form-filling system that police are required to undertake; that mechanism distorts data at any time. It underscores the problem we face, which is that public confidence in our data collection system is now in jeopardy. But most importantly, if we are moving to evidence-based policing, we do not have the evidence we can rely upon.

On top of that we have the business information technology section (BITS) that was recently described as being creaking, inadequate and insecure. It has also been described as archaic. It also has recently been criticised in the *Age* in that there has been concern about the effective management of the demand for police services — that is, you cannot properly predict where something is going to go wrong in society in relation to crime because you do not have the effective management tools to enable you to determine or even to predict it. Therefore how can you properly deploy your troops to deal with that matter?

The other thing with the business information technology section is that we know very well there have been substantial and continuing allegations of rorts, kickbacks and improper contracting in the IT department. That is reflected in the report in the *Age* last Sunday that talked about the problems associated with that issue, which is that there is an inability in the police themselves to properly manage that system because they were unable to detect those rorts, kickbacks and improper contracting, if they exist; as I said, at least one member of the public service employed by BITS has pleaded guilty to a level of crime.

We also see that there are continuing and substantial allegations of budget overruns, and it was reported in the *Age* that there is a nearly \$100 million discrepancy in the budget of BITS, and that is a matter that needs to be cleared up.

But the really terrible thing about this is the archaic way we have gone about managing our police information and communications technology. I understand that

400 police software applications are managed by BITS; they cover the whole gamut of areas in Victoria Police — the financial system, mobile phones, regional 000 services, the statewide radio network and 11 000 computers and laptops throughout the state. The internal email and external communications systems are all controlled by these 400 applications.

The police, like any other organisation in this state — indeed, this country, if not this world — is now inextricably bonded to technology and has been dependent upon that technology to properly do its work. Of course the minister would say nothing less because we are moving to more evidence-based policing, but this particular application, this whole system, is dependent on having an appropriate level of technology in place — but that is completely absent. It has recently been described as being in chaos, incompetent, and full of equipment failures. It is not as if the police have not known about this; a report back in 2003 criticised the mechanism of restoring the data in the current systems, and these have been ongoing.

We heard from the minister that apparently he found out about problems in BITS in November last year, notwithstanding there were press reports of it in about May last year. We know about the Sprague report. Apparently we now have an Ombudsman inquiry into BITS. We also have the commissioner for data security looking at the issue, and the chief commissioner is undertaking his own review. We have more reviews and more bold statements, but we do not have any action.

This state needs a government that is prepared to take action to provide the technology the police desperately need to ensure that the integrity of that system is properly maintained. We need a mechanism for collecting, storing and disseminating that data which is worthwhile and appropriate, which is not dodgy and which is not merely fudged by this government to protect its own back. At the end of the day what we have here is a government that is more interested in covering its backside than providing appropriate levels of evidence-based policing. If we do not have the appropriate level of front-line police officers, then God help us, because this evidence-based system is just not working; it is going to let down the people of Victoria in the future.

Yes, it is about more police; it is about more police on the beat, and you cannot do it with 10, 20, 30 or 40 per cent in absences, and you certainly cannot do it if your statistics are dodgy and your IT services are crap.

Opposition: performance

Ms RICHARDSON (Northcote) — Today I grieve for the people of Victoria who have been ill served by the Liberal opposition.

Good governance depends on a good opposition, and this is precisely what we do not have here in Victoria. An ineffectual opposition weakens democracy. The Liberals are so deplorable that we on this side of the house feel an even greater responsibility to provide good governance for all Victorians.

Here we are, more than halfway to the next election, yet the Liberals are still nowhere to be seen. Every major media outlet is calling for a change in Liberal Party direction and leadership. Recent headlines include: from the *Australian* of 7 March 'Brumby poll surge exposes Liberal cracks'; of 19 March 'The significant downside of Ted Baillieu on the economy'; from the *Herald Sun* editorial of 23 March 'Baillieu not up to speed'; of 24 March, again in the *Herald Sun* 'Ted man walking? Libs fed up with non-performing leader'.

On and on it goes! The public's concern over the Liberals performance is reflected in the latest Newspann. Imagine the poor Liberal Party member who woke to read these figures; the expression 'choking on your Weeties' just does not cover what they must have thought and felt when they read them. Newspann reported that Labor had increased its support from the previous poll, giving Labor an extraordinary 20 per cent lead on the Liberals on a two-party preferred basis.

Consider this: if a 60-40 two-party preferred result, as indicated in the poll, was achieved at the 2010 election, the coalition would say farewell to 10 sitting members. So who from the opposition benches would be in the firing line, as the member for Melton indicated, from the electoral pendulum, which I have here? The member for Ferntree Gully would be gone, as would the members for Kilsyth, Hastings, Morwell, Narracan, Evelyn, Bayswater, Box Hill and Bass. Also the member for South-West Coast would be gone — but I expect there would be bipartisan support for that one!

There is still a long way to go until 2010. Labor is not complacent about the challenges ahead and what it must do to retain the confidence of all Victorians. But why do Victorians lack confidence in the Liberal Party? Why has the public turned so against the party's leader? His approval ratings have continued to decline since the last election — and members may remember that before the last election he was looking somewhat credible until Labor pointed out what he really stood

for: namely, selling Victoria's public schools and profiting from their sale.

They rightly asked, 'How can this guy represent my interests, the interests of my children and my family, when he thinks it is okay to flog off public schools and profit from their sale?'. Since the election the public has got to see more of what we see in this house every day — a disengaged, lazy leader slouching in his chair, watching the day go by.

What does the Victorian public have to do to get something of value out of its opposition leader? How does it get him to take that silver spoon from his mouth and utter something of relevance or of substance on behalf of working families? He is no slouch when it comes to defending his own position. He is also very quick to say that he will be there for the 2010 election, despite what his colleagues are repeatedly saying. He is quick to talk down defeats in internal party ballots, like the one he suffered recently in Kooyong when his chairwoman Paula Davey lost to Richard Alston from the Costello camp. He is also quick with excuses as to why he was told by his party state executive to stay home during the Williamstown and Albert Park by-elections. But getting him to say something of substance, something credible, is the Mount Everest of Victorian political challenges.

The culture of laziness has left the Liberal Party bereft of ideas and policies. When its members make a half-hearted attempt at a policy position they stuff it up because they simply do not want to raise a sweat. Look at education, Labor's no. 1 policy priority. Does the Leader of the Opposition say anything other than, 'Going, going, sold!?' Was it not extraordinary yesterday in question time to listen to the Minister for Education detailing what the Liberals have said recently in respect of education? They wanted money to be spent on buildings that are non-existent — buildings that have been replaced as part of Labor's initiative to rebuild and modernise every school in this state. They simply got it wrong.

Is a phone call to the local principal too hard to make? What about a phone call to the school council president? Too hard? What about to a parent? What about to the education department? If that is all still too hard to do, what about hopping on the web and having a look at all the great things that are happening to schools across our state? The Liberals need to get their facts right. That is the first thing they need to do before they seek to defend our children.

On the economy the Liberals are equally hopeless. Consider this: we are facing the most difficult

economic conditions since the Great Depression, and we have still not heard a single credible policy from the Liberals about how to meet this challenge. Have a look at the press releases on their website. It is as if they have not even noticed there is a global economic crisis. There is not a policy, not a statement, not a word, not even a whimper on how to meet this enormous challenge facing all of us. Instead, the Liberals say they can slash taxes and provide more services with less debt. Precisely how this can be done while meeting the global economic crisis is not explained.

Victorians are being invited to join them on Fantasy Island, with Ted Baillieu as host and little Louise Tatou Asher shouting, 'Ze plane, ze plane!'. On this Fantasy Island we see half-hearted attempts to criticise Labor initiatives. Despite repeated cuts to rates of taxation in Victoria in land tax, payroll tax and WorkCover premiums, the Liberals continue to attack our record, a record that has made Victoria the best place to run a business because of our competitive tax rates compared with those of the rest of Australia.

But when the opportunity arose to make a submission to the commonwealth government's tax review into all levels of taxation what did the Liberals do? Nothing. They have attacked the timing of our industry policy but what did they offer in its place? Nothing. They have attacked Victoria's economic growth rates, unemployment rates and business confidence, but what have they said they will do to create jobs or protect Victorians from the impacts of the global financial crisis? Nothing. Not once have they stopped to consider how to help working families. Not once have they stopped to consider how talking down the economy actually damages Victoria's prospects. Not once have they given a damn.

On channel deepening, what did the Liberals do? They morphed into hardened greenies spouting ludicrous claims about the end of Port Phillip Bay as we know it. With only the *Age* cheering him on, Ted stood resolute against the interests of the state. Henry Bolte would be turning in his grave. What the heck has happened to his beloved Liberal Party? What the heck, indeed. After all the histrionics the Liberals simply got it wrong. Dredging did not destroy the bay, and this successful project will hold Victoria in good stead for the challenges ahead.

On the north-south pipeline, what did the Liberals do? Again, they squibbed it. They egg on their supporters to mislead Victorians and leave people with the impression that they are against the pipeline. But when push came to shove, the Liberals conceded that in government they would turn on the tap. We all know

that Michael Dalmau, the leader of Plug the Pipe, is a twice-failed Liberal Party candidate for Seymour. Yet up he pops as the so-called expert on how to manage Victoria's water supplies. His position is simply not credible because his Liberal mates in the city confess they would turn the tap on in government. What a pack of hypocrites — so much so the *Weekly Times* awarded the Leader of the Opposition 'backflip of the year', describing it, in December last year, as:

... a stunning triple-backward somersault with reverse pike
...

and concluded:

Watching the coalition explain its stance was more fun than the Beijing gymnastics.

Following the tragic events of Black Saturday public opinion and the media have been scathing towards the Leader of the Opposition. Why? First, he thanked Liberal Party members for providing housing for victims, overlooking the generosity of so many other Victorians. Then, under enormous pressure to get it right, he got it wrong, very wrong — again. He called into question warnings made by the Premier that were emphatic and direct. No-one but the Liberals doubted the genuine concern expressed by the Premier. The public has judged the opposition and its leader accordingly.

Clearly, despite all these failings, no-one in the Liberal Party has the gumption to deal with this problem. The member for Polwarth has no ticker. Members will remember that last time there was a vacancy he stood aside and Ted grabbed it. He wants it handed to him on a plate. The member for Malvern is in hiding until after the next election, and things are so desperate that they are looking to the Leader of The Nationals to be touted as a possible Leader of the Opposition.

Mr Foley — Yes, I heard that!

Ms RICHARDSON — Extraordinary indeed!

As the member for Melton detailed earlier in the day, this plot is currently under way. I think Liberal members should perhaps talk to their Queensland colleagues and mates about how much of a good idea it really is to go down this path.

There is a lot of complaining, there is a lot of sniping and a lot of pontificating about how it could all be so very different if Ted would step out of the way. So the sheer incompetence and ineptitude of the Leader of the Opposition is agreed, but no-one will step up to the plate and fix the problem. They need to put Ted out of

all of our misery, but it is like asking them to prepare a credible policy —

The ACTING SPEAKER (Ms Beattie) — Order! The member should refer to members by the names of their seats.

Ms RICHARDSON — Thank you, Acting Speaker. It takes hard work and ticker, so it simply will not be done. It is why for the 2010 election Labor is considering the slogan: a vote for the Liberals is a vote for Ted Baillieu.

Compare that with Labor's record and plan for the challenges ahead. We know the Victorian economy will face major challenges in the year ahead due to the global financial crisis and the subsequent economic downturn. Victoria has always taken the long-term view in its planning and Labor is positioning the economy to face these very challenges. We have enjoyed record levels of business investment, low unemployment levels and the highest value of building approvals in the country. The Australian and Victorian economies are fundamentally sound and are expected to outperform many others in 2009.

Labor identified the economic challenges we now face in the 2008 budget. Because we identified the challenges early, we have acted to protect our economy with disciplined fiscal policies, boosting economic infrastructure investments to four times the level in 1999 and cutting \$1.4 billion worth of taxes and business costs to drive job creation in this state. As the member for Bentleigh detailed earlier, Labor has announced over \$6 billion worth of initiatives in addition to the \$38 billion transport plan. These will provide significant and immediate boosts to the state's economy in 2009. These initiatives include \$3.3 billion in new capital expenditure, \$300 million for innovation, \$316 million for skills reform, over \$200 million to support industry and manufacturing, over \$400 million in V/Line carriages and freight, \$205 million for farmers, \$115 million for drought relief and \$1.4 billion in tax and business cost cuts.

What a stark contrast to the do-nothing Liberals opposite. Victorians are right to demand better of their opposition leader and the Liberal members who claim to back him. But will we ever get to see it? I fear not, and Victorians are right to fear not — and they are voicing this concern in the polls and in the opposition leader's approval rating. They voted against the member for Hawthorn in 2006, and he has done nothing to reverse that loss in confidence. His shadow ministers have done nothing to help: they watched the member for Hawthorn sit back and do the same. The

biggest economic challenges are ahead — and where are the Liberals? Absolutely nowhere.

I will conclude with a *Herald Sun* editorial of 23 March, which says:

... Mr Baillieu has failed to make headway on what should be bread-and-butter issues.

He needs to put forward policy ideas instead of carping criticisms.

The best he can do is to promise that if he is elected next year everything will be better: improved water and health services, more police, more trains and trams, lower state taxes.

... Mr Baillieu is lamentably short of explaining how he will achieve ... this.

Indeed he is. Victorians are right to be dismissive of the Liberal Party and its leader.

Schools: government performance

Mr DIXON (Nepean) — I grieve today for Victoria's schools and the number of issues affecting education in this state and I wish to concentrate on four main issues. They are the government's hoarding of \$100 for every primary school student in the state; the maintenance backlog; the government's attack on the powers of principals; and the forced school closures that are coming to light under the Building the Education Revolution funding program.

Before I get to those four issues, five sets of statistics have come out recently and reports have been released this year that have not yet really been addressed in this place. I will quickly run through those. The Australian Productivity Commission has once again confirmed that this government is the lowest spender on government and non-government education of all states and territories in Australia. The ABS (Australian Bureau of Statistics) has reaffirmed that retention rates in Victorian schools are dropping, especially and most worryingly in the years 7 and 8 to 12 category. The Productivity Commission also found a drop in recurrent spending of \$120 per student in the two years it compared. The ABS has also confirmed that last year, 2008, even though Victoria's population was increasing there were 724 fewer students in government schools and more than 3300 more students in non-government schools. To top it all off, earlier this year the Auditor-General said that, despite the government throwing a lot of money at literacy and numeracy, that has not worked and literacy and numeracy standards in Victorian schools are falling. I will leave all that aside. They are the facts. They are nothing I have made up — they are government facts, Australian Bureau of Statistics facts, Productivity Commission facts and the

Auditor-General's opinion about the state of education in Victoria.

First of all I will talk about maintenance. Documents obtained under freedom of information — the government's own figures — show that according to an audit that was carried out in 2005 and published in 2006 there was a \$264 million maintenance backlog in our schools. Freedom of information documents — again, the government's own figures — show that since that time approximately \$110 million has been given to schools to address some of that maintenance backlog. That means there has been a \$150 million maintenance backlog since 2006. That is a very conservative figure, because the wear and tear in schools over the four years since that last audit would mean it would be a lot more than \$150 million.

Let us look at some of the figures for the accumulated maintenance that is required by some schools. For Sandringham College it is \$1.5 million; Mount Waverley Secondary College, \$1 042 000; Parkdale Secondary College, \$962 000; The Basin Primary School, \$615 000; Carnegie Primary School, \$685 000; Bendigo Senior Secondary College, \$1 680 000; and Horsham College, \$1 025 000 — massive figures for outstanding maintenance that needs to be done.

Yesterday in question time the defence — the badge of honour — of the minister was, 'We have been spending money on these schools', including schools that have racked up millions of dollars in some cases, especially in Bendigo and Beechworth, of maintenance. The minister was proud. She said, 'We have fixed those schools; we have rebuilt them. They were so bad we have had to rebuild them. We have racked up millions of dollars of maintenance that needed to be done'. That was something the minister was proud of! It is a funny set of priorities that the schools have got so bad. If the schools were being renewed last year, that also means that for seven years while the \$2.5 million worth of maintenance was slowly ratcheting up, those schools were falling down, were dangerous and a bad learning environment for students and a bad working environment for the teachers. Whole generations of students have gone through these run-down, falling-down schools — which were so bad that in the end the minister crowed that they had to be rebuilt. 'We ran down maintenance', she said yesterday, 'so much that we had to rebuild those schools'. That is hardly a badge of honour.

I am not the only person who has that opinion. Last year the Auditor-General said that this government has no plan and no process for addressing the maintenance issues in our schools. Yesterday the minister said, 'We

have a plan'. That is a very easy thing to say. The Auditor-General said that there is no plan and that the government needs to develop a plan. To say that education is the government's no. 1 priority when there are these gaping holes is just laughable.

The \$100 per primary student has been ripped away from Victoria; it has not been given to primary schools. At the end of November last year the Deputy Prime Minister announced:

Government ... schools will receive an additional \$635 million over five years as part of the new —

educational agreement under COAG (Council of Australian Governments). Further on the press release by the Deputy Prime Minister says:

This change will see an increase of around \$100 per primary ... student in each of the new national education agreement.

I notice that the language and grammar is not very good in the Deputy Prime Minister's media release. Where is that money? That means that \$31 million is owed to Victorian primary schools. That money is not in our schools; it is sitting in the Treasury collecting interest. The government got found out when the Victorian Principals Association started asking, 'Where is our money? We fought hard for that money; we need the money now'. That is a lot of money. In a large school it is equivalent to the salary of a graduate teacher, or in a smaller school it might be the salary of a teacher's aide. It could be spent on welfare officers, it could be spent on maintenance — and God knows we need that — or it could be spent on students with disabilities. But, no, the government is sitting on that money and collecting the interest.

It is very typical of this government. Here we are with \$31 million immediately available from the federal government for Victoria's primary schools, but what was this government's typical reaction? It should be, 'This is fantastic. Let's give it to our schools. Let's trust our principals in our schools to spend this wisely'. But, no, the minister came out when she was found out and said, 'We are going to make an announcement about it in the budget', and, 'We are not going to do anything'.

The whole idea is, 'We have got \$30 million; how can we best spend it to make ourselves look good?' and, 'How can we spin it so that we look good?'. There is no thought for teachers or students; there is no thought for the primary school communities that desperately need this money. The government says, 'It is all about us and how good we look'. That is a sign of a tired and arrogant government that does not care about the children in its care.

I will move on now to the principals' powers that have been taken away by this government. It is effectively taking away the powers of principals to suspend and expel their students. The government has said, 'We want students to stay at school as long as possible'. Of course it does: that is what principals and the teachers want, and that is what they work very hard to do. Students are not expelled or suspended at whim; it is always the last resort. Many processes and procedures have been gone through before that happens. To say that that is not happening is a slap in the face to the professionalism of our teachers, especially our principals. As I said, it is a last resort.

We have to look at all of the school. A principal knows — and I have been one — that you have to look at the whole school. Yes, you have to look at the rights of the individual child, and you have to support that child before and after in the process leading to it; if they are suspended or expelled, they have to be looked after, and that is what happens. The minister has the cheek to say our schools are not doing it, which is why the government is taking the power away from them.

You have to look at the safety and welfare of all students in the school and of the teachers. As I said, principals do not suspend or expel out of malice. It is always a last resort; when it happens, they do it for the good of that child, their staff and all the students in the school. It is an insult to suggest otherwise.

This government's idea of giving more autonomy to principals and schools is to saddle them with more red tape and bureaucracy, with more forms to fill out and more compliance requirements. That is its idea of autonomy. It does not trust principals. It should be giving them educational autonomy and leadership autonomy. This is another step along that road of centralising power in the department and the minister's office and not trusting schools to make the right decisions.

Principals know their children; they know their teachers; they know their community; they know the families; they know what has gone on before; and they know all the students' history. When they make decisions about suspending or expelling students, they do it on very solid grounds and for the right reasons for that child and for the whole school community. They do not act vindictively. That the minister could suggest that schools and principals have been doing that is, I repeat, a slap in the face to the integrity and authority of our principals. Parents should be worried.

Because of this lack of trust in principals the children who would be expelled or suspended are the ones who

will think it through and say, 'This principal does not have the power. This principal cannot suspend or expel me'. That will be used to the worst extent by many students, and parents should be worried about that, too.

Finally I want to move to a number of forced amalgamations that seem to be happening around Victoria under the guise of the Building the Education Revolution funding. A number of senior bureaucrats and regional managers were caught out recently in three areas. It is no coincidence; they all did not wake up independently one morning and think they would tell the schools in their areas that they need to think about amalgamations; otherwise they would not receive any federal funding. They had been told that; that was their understanding.

The first reaction from the minister was to say, 'No, that is not it'. To lie and deny is always the first reaction. But when the lie gets found out and there is irrefutable evidence, it is about a blame game. It goes like this, 'Lie and deny. We have been found out; it is now all about the blame game'. The bureaucrats were brought in and carpeted, but they were acting under instructions and on understandings. They know they were told that schools need to amalgamate. The government has a plan to do that, but it does not have the guts to level with school communities about what its future plans are for schools in various clusters. It is fair enough — it is no good spending \$3 million of federal money on a school that is going to be closed down in two years. This government has to come out and say what its plans are; it must level and work with school communities rather than just shifting the blame, running schools down and closing them by stealth.

This federal money should not be an excuse for this government to spend less on maintenance. It should not be an excuse for this government to spend less on building new schools or renovating existing schools. It is not just me who is saying this; I am in total agreement with the Labor federal member for Bendigo, who came out today and warned the Department of Education and Early Childhood Development not to blame school mergers on the \$14.7 billion Building the Education Revolution program.

The *Bendigo Advertiser* reports:

The *Advertiser* reported yesterday that two Golden Square primary schools were discussing a merger, and that the Department of Education Loddon Mallee regional director Ron Lake believe more would follow.

Mr Lake said he expected all schools in the region to consider their options before submitting applications for fund under the Building the Education Revolution program before the July deadline.

That is evidence of another regional manager out there saying what he has been told to say:

Mr Gibbons —

the federal member —

said yesterday no schools would be required to merge to receive funds.

He said the BER was not to be used as a gun to the head of school communities to force through unwelcome mergers.

'If state education bureaucracies want to impose more mergers on Victorian schools, then they should say so publicly —

That is not what they are doing; they have a hidden plan —

and not hide behind the federal government's education initiatives.'

The federal government has made it clear that for this to work, these funds must be used for additional investment in our schools and not as an excuse for state governments to cut back on their own school funding programs.'

I say, 'Hear, hear!'. It is good to see that Labor member standing up for schools in his area and telling it as it is. He is showing up the education department and the minister for her secret plan. School communities in Victoria need to know that if their school has applied for funding for a major educational project under Renewing Our Schools or Building the Education Revolution in primary schools and their local school does not receive the funding they have asked for, the blame is not on the federal government; it is the state government's responsibility.

When a school has thought through what it wants to do with a project and how it wants to spend the federal money, it has to be ticked off at the regional office. After it is approved there, it then has to go through another filter of the state government before it gets to the federal government. So if a school does not get the funding that it expects, it is the state government's fault, under this policy. The state government will not give funding to schools because they are on the blacklist.

I say to all educational communities in Victoria that if their school does not receive federal money or anywhere near the federal money they expected to get, it means they are on the blacklist; they are going to be starved of funds by this state government and also through the federal government, and their school will be forcibly amalgamated with another. Their school will be starved of funds, and they will slowly wither and die. That is my message to government schools:

watch out! Make sure you get what you are entitled to from the federal government.

Opposition: performance

Mr FOLEY (Albert Park) — I rise to grieve for those Victorians who look to the opposition for a constructive, well-thought-out, funded and sensible contribution to policies to build their lives, particularly in the area of wanting to build a better community through our education and health systems that are relevant to their needs. It is a pleasure to follow the member for Nepean, because I could pretty well cut and paste his contribution, which is why this opposition shows itself to be not much more than a lazy coming together of groups that seek to chase sound bites rather than serious policy. That is because the Victorian opposition no longer actually stands for anything.

What we have is a Liberal Party that follows sound bytes as attempts at policy and leaves key areas of what Victorians are looking for unchallenged and needing of further work. The people of Victoria need to be alerted here today to just what a series of hollow logs the Liberal-Nationals marriage across the way has reduced each of these once-great parties to. They are parties that a generation ago knew what their constituencies were and knew they had a particular ideological link to the great issues of the day around service delivery and around the role of governance, and it is truly sad to see the wreckage that now occupies the benches opposite.

After the great ideological debates of the 20th century and the great reforms that both parties across the 1980s and beyond contributed in service delivery — the whole range of reforms of that period that looked at new mechanisms of community engagement and strategies about empowerment in the way the state delivers the nuts and bolts services that citizens and communities demand — what we now have from those opposite is just intellectual silence on the big issues of health and education policy development that face this generation. It is a very sad state of affairs.

Perhaps we can reflect for a moment on why that is. How has this intellectual-free and policy-free zone that the modern Liberal Party has become come about? It is too easy and glib to point to its years of opposition at a state level or to its missed opportunities at a federal government level over the 11 years of the Howard government. There is something much more fundamental at work here in the Liberal-Nationals coalition that has given it the policy difficulties it is currently facing. There is something destroying policy and sapping the creativity that has led to the vacuum the Liberal Party has become when it comes to policy.

As others have identified, it really is the consequences of its total absorption with the philosophies around neoconservatism that have so gutted the Liberal Party's view as to what government is for, as to what the possibilities of government might well be and as to the role government can play in building a better world and a better society. Amongst other things what we now see is that the members of the hapless crew opposite really are just thrashing around looking for a new leader to lead them out of the current wilderness they find themselves in. That is because the Liberal Party's adherence to its neoliberal policy prescriptions has seen this false ideology flow into every corner of its policy and program consciousness. What that really means is that its default position on everything is support for the unrestrained free market with its anti-tax, anti-government and anti-society conservative world view, which has inevitably led it to the policy dead end it now finds itself in.

The modern Liberal Party, having once been in many senses the driver of a postwar consensus as to the role of the state and the role of service delivery in key areas like education and health, has simply become over the last 20 years a sad, empty shell of a once-great organisation. It mouths platitudes about policy areas and it misinterprets stunts as a substitute for hard work when it comes to policy areas. Having bragged for decades about their neoliberal ideology of freeing individuals from the harness of the state and of reducing the role of the state in delivering quality health and education systems and having mouthed their platitudes around commitments to excellence and achievement of choice, the members of the Liberal Party now look around at the state of their ideological furniture in 2009 and see that the emperor in fact has no clothes. They see that their neoliberal orthodoxy and their free market fundamentalism in education and health have led them from a position of seeming righteousness to one of being bereft of hope and ideas about the role of the state. They have no vision, and they know they have no vision.

In contrast to this stands the Brumby Labor government in the proudest of social democratic traditions, committed to the life-affirming opportunities that a quality education system and a quality health system bring — a public education system and a public health system that are committed to excellence and that can and do achieve outcomes that improve people's opportunities in life. This is a government that sees these areas as being core activities in its pursuit of social justice outcomes. Self-evidently they are also contributors to equality and to fairer life outcomes as well as to important economic and skills development outcomes.

We know that the role of the state has been and will continue to be recast to ensure its efficient operation in a market-based and globally focused economy. We know that the mix of public and private contributions in both health and education is what will ensure access around universal schemes that will ensure quality outcomes for citizens. We do not see people simply as client groups, as those opposite do. We see them as citizens who are able to participate and who need to participate to achieve economic and community outcomes and also to achieve social justice outcomes in these two key policy areas. The helpless, the hopeless and the now increasingly desperate opposition flops around looking for opportunities to have an impact on the public consciousness in these two areas.

I will focus my comments on the education debate in particular. Having just heard the contribution from the member for Nepean, it is particularly interesting to consider how his contribution reinforces some of the comments I am about to make. The Brumby government is undertaking the biggest school rebuilding program in the state's history — a program that has become even bigger with the assistance of the federal Rudd Labor government's \$2 billion contribution to capital investment in our Victorian schools. This comes on top of the Victorian government's record contribution of \$1.9 billion to rebuilding, renovating and extending the Victorian school system. This program will be rolled out across some 500 schools over the life of the program.

In this year alone we will see 128 schools receiving \$592.3 million of capital investment. Besides this investment creating wonderful new, community-based schools that are accessible and open to their communities, we also see the private sector investment gap due to the current global financial crisis being filled by our friends in the federal Rudd Labor government. These contributions at both state and federal levels are very important contributions in the creation of jobs and in making sure that the construction industry and the sectors of the economy that service it maintain their employment levels in what will be an increasingly tight labour and economic market into the foreseeable future.

What do we hear from those opposite at this most important time when it comes to education?

Mrs Maddigan — Not much!

Mr FOLEY — Not much, as the member beside me says. The opposition talks down public education. It would at least be defensible from its point of view if there were an element of truth in the opposition's claims or some grain of evidence in the material it relies

upon. If its most recent policy prescription that it took to the last election is anything to go by, the Liberal Party really has no commitment to public education in this state. Its contribution was to be a mere \$102 million to be spent on nine new schools. This policy embarrassment is not just a screen for its real position, which lies pulsating away beneath the veneer of its supposed support for public education. It is also a position which could readily be seen in my own community the last time the Liberal Party had an opportunity to get into government, when it closed the South Melbourne primary school — closed and sold. We saw the closure of the former Nott Street Primary School and the former Pickles Street Primary School. These facilities were saved as public assets only at the very last minute thanks to the election of the Bracks government. They were amongst the more than 300 schools that the Liberal Party closed when it last had the opportunity to sit on the Treasury benches.

It is not just the past efforts of the Liberal Party that I want to focus on. I also want to focus on its peddling of inaccurate and old information regarding maintenance upgrades to schools. It is in this area where the contribution by the shadow education spokesperson that immediately preceded mine continued to miss the point. This government is about rebuilding, refurbishing and renovating all public schools in the state. Instead we have this lazy notion being peddled by the Liberal Party, that somehow or other a relatively old document that is misinterpreted after its release on a freedom of information application somehow establishes that there was a huge maintenance backlog in the public education system of the state. The shadow Minister for Education, the member for Nepean, relies on that fact in this great attack on the maintenance of government schools. He gave a number of examples which have more or less fallen like a dead cat at his feet.

On a number of occasions the member has relied on schools that as recently as yesterday we were told have been rebuilt. The shadow spokesperson referred to schools such as Eaglehawk Secondary College; Beechworth Secondary College, to which he referred today; Flora Hill Secondary College; and Parkdale College, which was also referred to today. All those schools have largely and, in some cases completely, been rebuilt. This is surprising, because as we have found out, some of the schools that have this supposed historical maintenance backlog are new schools that have been largely rebuilt by the government. This reflects on the lazy opposition that cannot even check information on the public record about the government's investment in these areas.

The evidence continues to mount. I was contacted in the last day by my local newspaper to comment on a media release from the shadow Minister for Education. The member for Nepean pointed to the maintenance needs and upgrading of Albert Park College. He referred to the Port Melbourne Primary School as being in need of upgrading, or Middle Park Primary School, or even Elwood College, and Elwood Primary School. It might come as a shock to the shadow minister that Albert Park College is being completely rebuilt. The school on that site was demolished 18 months ago and the decontaminated site is currently being cleaned up through the Environment Protection Authority processes; we will have a state-of-the-art secondary college committed to achievement and excellence based in that area.

In 1999 the Port Melbourne Primary School literally had sewage from broken sewerage pipes flowing through the playground after years of neglect by the former Liberal government. By the middle of this year the school will be in a position to open its rebuilt school following a \$5 million investment by the government. This is apparently the same primary school that, according to the shadow minister, has an enormous backlog in maintenance problems. I could go on and point to the Middle Park Primary School stage 2 rebuild; and I could point to the Elwood Primary School rebuild being done in partnership with the City of Port Phillip through a land swap arrangement — a whole series of innovative arrangements.

Question agreed to.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2008–09 (part 1)

Mrs MADDIGAN (Essendon) — Coincidentally I also wish to address the education issue, referring to the report of the Public Accounts and Estimates Committee (PAEC) on the 2008–09 budget estimates, part 1. It outlines some of the great education programs that have been undertaken by the state.

Certainly some of the things I have heard in the house during the grievance debate this morning indicate that the opposition continues to talk down schools, which is a shame. I am surprised at some of those comments, because my involvement in schools in my electorate shows that students in Victoria have never had it so good. They have never had the opportunities they have now, and they have never had the investment in education that they have now. In the western suburbs,

where my schools are located, the retention rate is now the highest it has ever been because of the expenditure push into schools over the years, some of which was outlined in the budget estimates report that I will refer to in a moment.

A great deal of information that is available to the community indicates the best way to keep kids out of the juvenile justice system or out of trouble with authorities is to ensure that they stay at school. Even though the member for Nepean was not keen on the new proposal by the Minister for Education, the requirement that schools have to be far more careful about suspending students and have a limited suspension period should be great in keeping more kids in schools longer, thereby enabling them to lead worthwhile lives.

The 2008–09 budget estimates report goes through some of the great projects, many of which are being undertaken in my electorate, just as they are in other members' electorates. The Building Futures project has identified \$1.9 billion for building or modernising 500 schools under the Victorian school plan over four years. Yesterday we heard information about some of the schools that have been rebuilt and today the member for Albert Park provided certain information.

Some of the new proposals in the budget estimates report involved 300 new teacher assistants. Schools are far more complex social bodies than they were 50 years ago, and that sort of support will be greatly appreciated by the schools. The after-hours ethnic schools program has been funded and will bring in a new system to support students. The primary welfare officers program has received increased funding, and there is widespread support for that.

One of the budget commitments which is also outlined is the free food program. You can see the benefit of some of the programs and other funding programs both in the 2007–08 budget estimates report and the more recent 2008–09 estimates report on local schools. For example, the music programs in my schools, particularly Strathmore Secondary College which has been invited to send some students, along with students from University High School, to perform at the dawn service at Villers-Bretonneux in France this year. This is a great honour for them and says a great deal about the music program at the school that has been funded by the government.

Moonee Ponds West Primary School also has an excellent music program, as do a number of other schools. Ascot Vale West Primary School has benefited from the healthy eating program funding and has run a

particularly good program over the last two years to encourage children to eat properly and to reduce waste from school lunches and school activities. Aberfeldie Primary School will shortly open a refurbished library built from funding not only from the state but also contributions from the school's parents.

These are all examples of the wonderful funding available through the budget estimates program which I am outlining and which, I am sure, the member for Brighton is finding most enlightening — and so I will continue. The year 7 and 8 programs at Mooney Ponds Central, one of the last schools in the state to offer years 7 and 8 at a primary level, teaches children to be able to then move on to secondary school. There are sports programs like the program at Strathmore North Primary School, which is supported by a number of government projects including the Be Active campaign, and also the specialist sports program at Essendon Keilor Secondary College.

By looking at the budget estimates reports for the Department of Education and Early Childhood Development last year, and for previous years since we have been in government, you can see a significant increase in expenditure to schools. By going around the schools in your electorate you can see the change this has made to students. The improvements are there and more particularly, as I mentioned earlier, there has been an improvement in retention rates.

I congratulate all the principals, teachers and school councils on their commitment to schools and the great way they work together to make schools better for the kids of Victoria.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member's time has expired.

Rural and Regional Committee: rural and regional tourism

Ms ASHER (Brighton) — I wish to make a few remarks in relation to the Rural and Regional Committee inquiry into rural and regional tourism, final report July 2008. Given that at the moment we are looking at recovery from bushfires in regional areas, I think it would be a very good idea if the Minister for Tourism and Major Events read chapter 9 of this report. I recommend it to him. Chapter 9 is headed 'Responding to disasters and environmental threats'. It would be pertinent for the minister to read this chapter because he has very recently announced a government support package — indeed in the electorate of Evelyn — your electorate, Acting Speaker.

When I read the press release announcing the support package, I saw that it was a program of \$70 000 and the idea behind it was to get conference businesses to fire-affected areas. There was also a business relief package funded by the state and federal governments for individual grants. Interestingly enough, when I read the *Age* report of the announcement I found that the \$70 000 had in fact been co-sponsored by the *Age* for many of these activities. The reason I have raised that package is that it was part of the terms of reference of this inquiry to look at the impacts of drought and fires on tourism and to suggest an appropriate government response. Clearly a range of bookings to tourist areas have been cancelled whether or not individual areas have been affected, and the media plays a role in indicating danger to individuals. That then can have an adverse impact on the tourism industry in these areas.

I refer to page 153 of the report where it says:

Many witnesses stressed that the effects of bushfires on regional tourism development were long term and the corresponding funding and recovery plans should be designed for more than two years.

What we have seen time and again from this government is an immediate response and no follow-up, which is why, given the trickiness of the government's announcement in claiming credit for a program which is co-sponsored by the *Age*, I want to draw the attention of the minister to the need for a long-term sustainable bushfire recovery program for affected areas. I refer the minister also to page 160 of this report, and again I quote:

... the long-term viability of these recovery programs was questioned by some, given that they did not include ongoing funding.

Whilst the minister and the Premier no doubt expected adulation after their announcement, both of them need to read this report because the tourism industry is asking for more than a press release and more than a dollop of funding. The tourism industry is asking for long-term support, and the members of this parliamentary committee are well aware of that because they took evidence to that effect and have included it in this report.

The committee makes a range of recommendations for improvement, but in particular I draw the attention of the house to recommendation 27 at page 172 of the report. The recommendation is as follows:

That the state government develop a detailed tourism disaster relief strategy based on research into the economic impact of natural disasters on tourism in rural and regional Victoria.

The strategy should:

- (i) identify a formal process to drive the recovery period;
- (ii) be incorporated into destination management plans;
- (iii) incorporate an approach which is driven from the local level;
- (iv) allow for flexibility in approach; and
- (v) allow speedy access to disaster relief funds.

I think it is very important that the Minister for Tourism and Major Events and the Premier look at that recommendation and implement it. As I said, the Rural and Regional Committee has investigated a range of strategies to improve tourism in regional Victoria. It has devoted an entire chapter to assisting communities that have been affected by natural disasters. We have seen floods, we have seen droughts and we have seen fires, and so far the response of the government overall has been piecemeal, to say the least. That is the evidence that has been presented to this committee. Labor members are represented on this committee and they obviously agree with the recommendations that have been put forward, otherwise they would not have put their names to this report.

Law Reform Committee: vexatious litigants

Mr SEITZ (Keilor) — I take this opportunity to comment on the Law Reform Committee inquiry into vexatious litigants. I commend the committee for the work it has done and the 32 recommendations in that report. It is an interesting report to read. Although we have a very small number of vexatious litigants in Victoria, we use the term quite loosely at times if someone is persistent in taking up a complaint.

In chapter 4 the committee examines in depth the reasons why some people become vexatious litigants. At times it is the system that drives them to it. People start off in a quite normal way but feel that an injustice has been done to them.

However, through the processes of the court system and the various appeal boards people can be driven to desperation. Sometimes they do not have the money for quality lawyers to represent them. That was evidenced by a number of people who appeared before the committee. People gather together because they find out that they feel aggrieved about similar things and they persist. Most people who succeed in something have the determination to follow through, but justice is not always seen to prevail in courts and tribunals, and cases are not always found to have merit and standing. A classic example is shown in the movie *The Castle*.

Another example presented to the committee can be found at page 56 of the report, where Dr Christine Atmore from the Federation of Community Legal Centres is shown as warning the committee against assuming that the justice system always produces fair and just outcomes for litigants:

... in our experience — and historically this has also been shown to be true, with people like Nelson Mandela, for example — there have been many occasions when people have not been able to receive justice through the legal system and yet they are seen to be vindicated subsequently ... it may well be that for some people the experience of that tips them over the edge ...

There could not be a better example. Nelson Mandela constantly brought up the apartheid issue, and he was jailed and received no justice, yet history and time proved him to be correct and an innocent and honest man who was made president of his country. Those in charge of the country and the judges who upheld the laws of the time had demonstrated that things are not always what they seem to be.

I recommend this report to all members, because I often hear of people coming into members' offices and complaining about certain issues, whether it be the neighbour's dog barking or their being persecuted by local parking officers or that the department does not show justice with regard to their children in schools. Sometimes people become obsessed with issues. They are driven to that because they feel that their case has not been given a fair hearing.

Although thankfully the departments does not take everybody to court to have them declared vexatious litigants, the word gets out not to take any notice of a person because they are known in the system as a troublemaker or a vexatious litigant. But they may have raised a genuine case, and because they have learnt a bit about it they will take up cases on behalf of other people facing the same situation as —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member's time has expired.

Rural and Regional Committee: rural and regional tourism

Dr SYKES (Benalla) — I wish to comment on the Rural and Regional Committee's report on its inquiry into rural and regional tourism and would like to commence by congratulating the chair, committee members and staff on a very good coverage of rural and regional tourism issues. That said, I would like to build on the comments made by the member for Brighton and in particular on the issues of post-bushfire recovery. The key thrust of the report is to increase support for

rural and regional tourism, and tourism is extremely important to the electorate of Benalla.

We have many wonderful assets in the electorate, not the least being the people, who have demonstrated amazing persistence and resilience in overcoming challenges over recent decades. Young people in particular, including Tennyne Cam, Julian Moulday, Max Nixon, Stevie Laube, Jodie Meloury, Sophie Twamley and Lynda Artley, have shown the persistence and resilience necessary to overcome challenges both in the bigger picture and in their personal lives. They are the qualities that people in rural and regional Victoria have used to get through the tough times.

In relation to tourism, in north-eastern Victoria we have the high country and all the alpine resorts. We have the beautiful river valleys and their associated wineries. We have the horse studs in the Strathbogie shire, and we still have some water, amazingly. Lake Eildon has not been piped off to Melbourne yet, Lake Mokoan has not yet gone dry, and we have Lake Nagambie — all wonderful assets. The committee's report, as the member for Brighton said, makes a series of recommendations in relation to response and recovery from natural disasters, including drought, bushfires and floods. We all know about the tragic events of the bushfires in recent times. In addition to the tragic loss of 173 lives, the enormous loss of property and enormous emotional trauma, we have had the significant economic impact resulting from the reduction of tourism to not just the areas directly impacted on by the fires but all of the north-east of Victoria because of a nervousness about travelling into the country during that fire period.

I welcome the government's commitment of \$10 million to reactivate tourism to the area, and I note and support the commitment to three major events in the electorate of Benalla — the Mount Beauty Music Festival, the Falls Creek Easter festival and the La Fiera festival in Myrtleford. But as the member for Brighton has indicated, it is absolutely critical that this short-term, relatively modest input of dollars is backed up with significant long-term commitment to ensure that tourism and related economic activities in the north-east and country Victoria in general continue to thrive. The sort of support we are looking for to keep tourism functioning in northern Victoria includes the extension of the Murrindindi–Mansfield rail trail. I note that \$650 000 has been committed for the Mansfield–Mairdample section, but it is important to fund the full length of the trail from Seymour to Mansfield.

We also need to support smaller tourism operators trying to cope with the economic impact of the global credit crunch, the bushfires and the drought. They can be helped by reducing government fees, which at times make it extremely difficult for them. We also have caravan park operators like Sandra Duell at Howqua that need support and encouragement to get people to their places, and we need prompt covering off of negative media which unfortunately follows natural disasters.

Another major issue for the long-term benefit of north-eastern Victoria is Mount Buffalo Chalet. It is an icon for the area and for Victoria, but regrettably it has sat there unused for two years to the point where it is now fenced off and falling into decay because of inaction by the Brumby government. We need the Mount Buffalo Chalet up and running to boost the local economy and also to boost local morale. We also need the Ned Kelly interpretive centre at Glenrowan kick-started to get more people to Glenrowan, and if we are going to have more people at Glenrowan, we would dearly love to have the Glenrowan railway station opened.

In the few seconds remaining I point out that we also need to keep what little water we have in northern Victoria for the benefit of tourists and the local people. Therefore in closing I once again call on the Premier to plug the pipe.

Road Safety Committee: vehicle safety

Mr TREZISE (Geelong) — I would like to take this opportunity to once again address the important issue of road safety and specifically the Road Safety Committee's report on vehicle safety of August 2008. Many important issues were addressed by the committee in this inquiry. However, I would like to talk briefly about the important issue of vehicle despecification and the related matter of the bundling of safety options with so-called luxury items. The executive summary of the inquiry report states:

The committee has seen convincing evidence that vehicles imported, and even those manufactured in Australia, often have safety technologies removed from models sold in Australia. While manufacturers dispute the practice of despecification, the committee considers that despecification claims are valid.

The committee goes on in its summary to say:

Similarly, the committee has identified bundling safety options with non-safety features can provide a disincentive to consumers because of the higher cost of selecting packages that include luxury items such as leather trim.

As noted in the executive summary, manufacturers and importers deny that despecification occurs. However, organisations such as the RACV (Royal Automobile Club of Victoria) provided strong evidence to the contrary. I quote from the RACV's submission:

Australian car makers and importers are less likely to fit safety technologies as standard equipment across their model ranges, in comparison with some developed markets, including the United States and the United Kingdom.

Again, as reiterated by the chair of the technical committee of ANCAP (Australasian new car assessment program):

Despecifying — in other words, bringing vehicles into the country with less safety features than they have overseas — is still a problem.

The issue of despecification is not limited to cars. The report highlights that the practice also extends to heavy vehicles. For example, a Linfox representative told the committee that digital tachographs are a required fitment in Europe but are removed from trucks when they are imported into Australia. Even though the industry and importers deny that despecification actually occurs, I think there is sufficient evidence that it does occur.

It is the same with the bundling of luxury items with safety features. For a hypothetical example, consider the selling of safety features such as side curtain airbags — a major safety feature in vehicles — and the practice of bundling them with leather seats or 10-stacker CD players. In many instances this puts important safety features out of the financial reach of many people who are intending to buy a new car.

There was sufficient evidence heard by the committee from bodies such as the Transport Accident Commission to show that bundling is an extensive practice not only in Victoria but also across Australia. I fully endorse the committee when it states in its report that:

The committee finds the practice of bundling safety technologies with non-safety features to be immoral.

The issues of despecification and bundling are important safety concerns for Victorian motorists, both the state and federal governments, and state governments right across Australia.

The government, industry, importers and motoring organisations have a responsibility to ensure that our cars are as safe as possible. We need to minimise the risk of injury and death when driving, and despecification and bundling do not assist in providing vehicles that are as safe as possible to drive in Australia

and Victoria. I fully endorse and support the recommendations of the Road Safety Committee as they apply to bundling of safety features and despecification in vehicles being imported into this country.

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

Mr WELLS (Scoresby) — I rise to make a statement on the Public Accounts and Estimates Committee report on the 2008–09 budget estimates, part three, dated October 2008. I go straight to page 129, chapter 9, ‘Departmental income/revenue initiatives’, and pick up the point regarding land tax. The key finding of the committee at 9.5 was:

The expected increase in land tax reflects the expected increase in land values for the two years to 2008–09, consistent with the strength in the property market, as well as the progressiveness in land tax scales.

I move on to 9.8, which was another key finding that states:

... the committee observed that the 2008–09 budget contained various revenue initiatives which included tax relief measures in the areas of land tax (\$488.7 million over the forward estimates to 2011–12 ...

The point that I need to make is that the government is very keen to talk about tax relief, but in real terms there is no tax relief in regard to land tax when it comes to small business and self-funded retirees. The government is saying that had the same rate of land tax continued in future years and had there not been an alteration to the threshold, this would in some way be tax relief. I think it is more smoke and mirrors. It does not quite tell the actual overall truth in regard to aggregate land tax figures.

For example, when the land value increases so significantly, as it has over the last few years, there is a massive increase in land tax coming into state government coffers. This year it is going to be around \$1.3 billion, which will be over \$300 million more in land tax than the government received last year. It is a bit rich for the government to try to sell a message about tax relief. I remember that one of the points the Treasurer wanted to push very strongly in his budget speech last May was the issue of tax relief. If members turn over to page 134, they will see that table 9.4 shows that the total amount of land tax relief will be \$488.7 million. There is a lot of focus and emphasis on the amount of tax relief, but not so much focus on the amount of actual net income in regard to land tax and the effect that it has on small business and self-funded retirees.

The reason we are in this mess with land tax at this stage is that the land tax assessments are based on land values as of 31 December 2007, but they are effective as of 1 January 2008. Those land tax valuations are effective for the assessment years of 2009 and 2010. We warned that taking off the 50 per cent cap on land tax bills would make it incredibly difficult for small businesses and self-funded retirees, and we have been proven right. The \$250 000 land tax threshold applied has not been indexed in proportion to increased property values.

Some of the people who are contacting us are saying that land tax increases are up to 300 per cent in just this one year. Current land tax bills are based on 2007 inflated property prices. I will give an example. According to the Real Estate Institute of Victoria, the Melbourne median house price for the December quarter 2007 was \$472 000. One year later, the median price house is \$426 000 — a decrease of 9.7 per cent. If the actual value of land is decreasing by around 9.7 per cent, using the median price of a house as a bit of a benchmark, then how is it that land tax bills are going up 100, 200 and 300 per cent? For the first time in Victoria’s history, in the current year the land tax bill for Victorians will be more than \$1 billion. This is going to cost many more jobs because of a lack of planning by the Brumby government.

**BUSHFIRES ROYAL COMMISSION
(REPORT) BILL**

Second reading

**Debate resumed from 31 March; motion of
Mr BRUMBY (Premier).**

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Bushfires Royal Commission (Report) Bill 2009. The Leader of The Nationals highlighted the opposition’s concerns about the provision for a 10-day delay in the delivery of the report, and I am pleased with the amendments circulated by the Attorney-General and the Leader of The Nationals to remove that provision from the bill. It is something that has not been asked for by the community. We are still perplexed as to why it was put in, but we are very pleased that it will be removed. The initial report is to be tabled on 17 August this year and the final, detailed report on 31 July 2010. We support the royal commission and the terms of reference.

One of the things that is coming out now is concern amongst members of the community about their ability to present a formal written submission to the

commission and make a request to appear. This morning at 11.30 two gentlemen went to my office and asked one of my staff for assistance in writing their submission to the royal commission. They have a combined experience in the Country Fire Authority of 60 years and were very actively involved in fighting the Black Saturday bushfires. Both men are farmers and writing a submission does not come easily to them. There has been publicity surrounding an offer by a group of QCs to do pro bono work in helping people to prepare submissions. While that is a good move, it has made a lot of people uneasy about whether the submissions they make will be of a suitable standard. I have tried to reassure people that as long their submission is in clear and simple language there will not be a problem. However, I think the government needs to publicise that you do not have to have a lawyer helping you to make a submission to the royal commission. I am sure that members on both sides will use their offices to assist people who want to make a submission and who may be unsure of their writing skills.

When we have an event of this magnitude the first response among service professionals is to get in and solve the problem, to do the work that is necessary to help preserve life and to save assets, and the instinctive response from the community and politicians is that we just want to make things better. We want to take the hurt away. We want to make people feel good again. The instinctive response can sometimes mean that we make statements that later are hard to adhere to.

The Prime Minister's response, which I am sure was heartfelt, that we would rebuild brick by brick has been taken literally by many members in our community who have lost buildings and homes. They truly think that the government is going to rebuild brick by brick, and we are finding that is not the case. If the building that was destroyed was not your primary place of residence, that is not going to be done. A lot of money has been flowing in from the Australian community, and especially from the Victorian community. That is terrific, and the initial grant of \$50 000 towards rebuilding is good, but a lot of people are not going to receive very much of this money. That undertaking was, as I said, probably made with good intent but is now causing issues.

There was also a promise that there would be a caseworker or business adviser for everyone who had lost their house or whose business had been impacted upon. That is not quite happening, and again that is causing some angst. That it is not happening is understandable, because how do you find so many hundreds of professionals who can become

caseworkers and business advisers that we do not have on the ground already?

There are also concerns about the flow of money coming to those who have been impacted upon by the bushfires. The initial offer of an unconditional \$1000 that was made by the Prime Minister — and again I understand why he made it — has led to concerns, particularly in some parts of the community, that that may be misused. It was intended to be \$1000 for those who had had to leave their properties in anticipation of the fire coming, and I think it was \$400 for each child. That is causing unrest. I see that the member for Gembrook is in the chamber, and I think that in Warburton some people have got quite anxious about that. I do not know how many may have received that funding which people may feel was not right, but if it has happened — —

Ms Pike — On a point of order, Acting Speaker, I draw your attention to the bill that we are debating. The bill concerns the time frame for reporting to the royal commission, and I raise the question of relevance of the contributor at this point on the bill that we are debating.

Mrs FYFFE — On the point of order, Acting Speaker, what I am saying is relevant because, as I said at the beginning of my speech, we are having people coming into my office now asking for assistance to make submissions to the royal commission. The royal commission is looking at the effect of the fire and the flow-on effects and after-effects, and I am highlighting some of the issues that we are trying to guide people through.

The ACTING SPEAKER (Mr Kotsiras) — Order! I ask the member for Evelyn to come back to the bill in relation to what she has been saying. I do not uphold the point of order at this stage, but I ask the member for Evelyn to come back to the bill.

Mrs FYFFE — Thank you, Acting Speaker. I will try to relate it to this short bill. I am disappointed that I am not able to clearly explain on behalf of the people who are asking genuinely for assistance in how to navigate through the things and what their submission should contain within this time frame.

The commissioners are out now listening to people in the Yarra Valley. We had a meeting last week, and just referring to an article in the *Mountain View Mail* of 31 March, whose reporters spoke to people who have made comments at the round table conference by the commissioners, the issues they said they raised for the commissioner to take into account in preparing the interim report were about the timing of the warnings,

the actual television and radio reporting and not knowing fires were in their area. They also raised with the commissioners — —

The ACTING SPEAKER (Mr Kotsiras) — Order! I ask the member for Evelyn to come back to the bill.

Ms Pike interjected.

The ACTING SPEAKER (Mr Kotsiras) — Order! The minister will have her go in a minute.

Mrs FYFFE — I will try, but as I say I am disappointed that I cannot raise things that people in good faith have asked me to raise. I am not going to speak on this bill any longer. I am being gagged in this house on something that is so important.

Ms GRALEY (Narre Warren South) — It is indeed a privilege to be here today to speak on the Bushfires Royal Commission (Report) Bill. I think we are very fortunate as parliamentarians to have this opportunity, to use it wisely and to use it to emphasise the point of the bill. The bill is about ensuring that the government publishes the royal commission's report in a timely and practical manner. This is about making sure that everybody gets an opportunity to speak, to air their grievances, to tell their stories, to be honest and open, to make themselves available and take up this very important opportunity.

We know that the government has put considerable effort into making sure that everybody has the right and the opportunity to present at this royal commission. We are not debating the role of the royal commission here nor the issues that will be analysed in the current weeks and months. It is not really up to us; it is up to the people who come along to the commission to tell their stories. That is not what this bill is about.

This bill is about ensuring that these reports can be released when Parliament is not sitting and still attract parliamentary privilege. This is very important because people want to know what happened, and they want to make sure that that information is delivered in a timely, authoritative and practical manner. If this legislation is not passed, we could be waiting weeks while Parliament is not sitting for the report to be tabled here.

I commend the government for establishing the royal commission. As I said in my contribution to the condolence motion on the bushfires, their effects were quite unbelievable. The government should be commended for establishing this very important royal commission and for providing such a broad framework for it to operate within. The commission, headed by

Justice Bernard Teague — and what a terrific choice he has been — is going to be working very hard. We already know that there are people out there meeting with people in the communities who have been affected by the fires, and people are getting up and putting their position very clearly. That is to be absolutely encouraged.

I take this opportunity to say that the people who were involved with the fires, especially those in the emergency services, are to be congratulated for their efforts. There are many opportunities, as the Deputy Leader of the Opposition indicated in his speech yesterday, to go around and congratulate these people, but they should also be encouraged to make a submission to the royal commission.

The ACTING SPEAKER (Mr Kotsiras) — Order! I ask the member to come back to the bill. The bill is very narrow.

Ms GRALEY — Enacting legislation such as this for a royal commission is not new. I know that the Premier was very committed to making sure that we had a royal commission with broad terms of reference as the framework. He wanted to make sure that Victorian people got the whole story, and that is to be highly commended. Similar provisions were made for the publishing of the Longford and Metropolitan Ambulance Service royal commissions, so there is a precedent for this sort of action.

This bill is an important one. As I said at the outset, it deserves the support of all members of Parliament, because Victorians want to hear people's views on what happened on that horrible day in February. This bill demonstrates again that we have a Labor government, which I am proud to be part of, that is totally committed to accountability and transparency in what we do in all sorts of different ways. As has been demonstrated in so many other cases, we are a government very much committed to making sure that governments and commissions are open and accessible, and that they are used by the people to make sure their views are put across so that government officials can act on them.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling questions I inform the house that the Minister for Roads and Ports will be absent from question time today. Any questions

for the Minister for Roads and Ports will be answered by the Minister for Public Transport.

QUESTIONS WITHOUT NOTICE

Minister for Health: performance

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. I refer to page 15 of today's damning Auditor-General's report into access to public hospitals, in which a hospital chief executive officer states that they first received preliminary findings of the report in November 2008. I ask: how could the minister state in March of this year that he had no knowledge of data manipulation in Victorian hospitals when a hospital under his own department's control had been caught by the Auditor-General manipulating waiting lists and was so advised by the Auditor-General in November last year?

Mr ANDREWS (Minister for Health) — I thank the member for Caulfield for her question. I welcome the report of the Auditor-General today. It is an important report, and in response to that report I have made a number of important announcements to strengthen the data integrity process across our public hospital system. I think that is the right action to take. They are the right steps to take and they are about ensuring that as we go forward there can be no doubt about the integrity of the data across our system.

I absolutely reject the assertion of the member for Caulfield that I have known about issues and have failed to act. That is simply wrong. I have acted whenever evidence has been provided to me, and I will continue to act whenever evidence is provided as to inappropriate behaviour. That is a commitment I have given, and that is the way I will proceed.

China: trade

Ms MARSHALL (Forest Hill) — My question is to the Premier in his role as Minister for Multicultural Affairs. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the Premier outline for the house the importance of Victoria's relationship with China to our economy, particularly through the global financial crisis, and are there any threats to the great relationship we have with China?

Mr BRUMBY (Minister for Multicultural Affairs) — I thank the honourable member for Forest Hill for her question. As I have indicated many times to this house over recent months, as a state and as a nation we face the biggest economic challenge our country has

faced in more than 50 years in the global financial crisis, and maintaining a strong economy and strong economic relations with countries around us is absolutely crucial to our future. I believe the economic fundamentals we have in place in Victoria are second to none, and I believe our trading and economic relationship with China is absolutely crucial to our future.

China is one of the few countries that will continue to grow in the next year. Many members of this house will have seen the media comment over the last two days about the latest reports of the IMF (International Monetary Fund) and the Reserve Bank of Australia on what is happening with world growth. The fact is that most countries in the developed world will see negative growth this year. There will be few countries around the world which will be growing, but one of those countries which will continue to grow strongly is China.

China is now Victoria's largest single trading partner. If you had said that 10 years ago, many people would have believed that would be impossible. The value of the two-way trade between Victoria and China, including Hong Kong, is now just under \$12 billion a year. Of all the countries on the old league ladder — the United States, Japan and New Zealand — China is now the most important trading relationship for our state. China is also the biggest importer of Victorian wool, so this is important to our primary producers. Last year China imported more than \$300 million worth of wool; the year before it was more like \$500 million. China is also a major importer of dairy products, and last year it imported \$105 million worth of milk and cream from Victoria.

China is also one of the largest sources of tourism to Victoria. In the year ended March last year, Tourism Victoria estimated that over 148 000 people from China visited Victoria, making China our third-largest tourism market, and there are some commentators who would say that China will end up being our largest tourism market. Of the 105 000 or so overseas students from China who are studying in Australia, one-third study in Victoria.

Victoria is also home to a number of major Chinese investment companies: CITIC, Minmetals, Huawei Technologies, ChemChina, TCL and, of course, Hisense. In May next year more than 70 million visitors from more than 200 countries will visit the Shanghai World Expo. I announced in February last year that we would be putting \$6 million into Victoria's exhibition at the expo, making its exhibition the largest of any Australian state.

On top of all that, I remember just a couple of years ago launching with the Victorian Employers Chamber of Commerce and Industry its Access Asia office here in Melbourne, which is all about harnessing the great opportunities that come from our relationship with China and other Asian trading partners.

As honourable members know, 2009 marks the 30th anniversary of Victoria's sister-state relationship with Jiangsu Province. By the way, that relationship was first established by former Premier Dick Hamer. I believe it is a very positive relationship for our state, and I hope members will agree with that.

The point I am making is that China is very important to our economic relationship. China is also a great friend of Victoria and Australia. Our relationship with China has enjoyed bipartisan support over the last three decades. I am therefore concerned about some of the recent public debate which I think has been designed to attack and criticise that relationship and imperil investments and jobs in Victoria and Australia.

If you read today's *Australian*, you will see the following quote from Mr Zhang Tuosheng, the director of the China Foundation for International and Strategic Studies. He said, "The anti-China sentiment is fuelled by Australia's domestic political battle".

This week I will be writing to my counterpart Mr Luo Zhijun, the Governor of Jiangsu Province, to outline to him the events that I have in mind to mark the 30th anniversary of our sister-state relationship. In writing to him, I will be reaffirming Victoria's very strong bonds with China, and in particular with Jiangsu Province.

I make the point that in public life it is important to have enduring values. I have always been a strong supporter of our relationship with China. I have said to many members of this house, including those on the opposite side, that if they have not yet visited China, they should do so, because China is so important to the future of our state and our nation.

I find it profoundly disappointing that, in the context of what I see as political point scoring, that relationship with China is being imperilled. From our perspective as a government, I hope our relationship with China enjoys bipartisan support in this chamber. It is a crucial relationship to our state, and I will, as I said, be writing to Mr Luo Zhijun to restate those sentiments and expand on our plans to make sure that the 30th anniversary of our relationship with Jiangsu Province fits the very strong relationship we have had

over 30 years and marks an opportunity to build even further for the future.

Minister for Health: performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I refer to the Auditor-General's report on access into public hospitals, which was tabled today. It reveals that:

Three of the audited hospitals were at times inappropriately recording patients as 'not ready for care'.

Given that the minister's own department has had a copy of this report since early February and that a hospital chief executive officer was advised of the preliminary findings in November last year, is it not a fact that the minister's statement on 16 March that 'We are not aware of these claims' was a blatant lie?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. The answer to the question is no. Let me be abundantly clear about this: the Audit Act precludes anybody from divulging any of the information that is the subject of important audits. The Audit Act is absolutely clear about this.

Honourable members interjecting.

The SPEAKER — Order! The minister will not be shouted down by members of the opposition.

Mr Mulder interjected.

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

Mr ANDREWS — The Audit Act is absolutely clear and the advice from my department is equally clear about my obligations under that act. If the Leader of the Opposition is proposing that I ought break the law or interfere in the proper processes of the Auditor-General, I reject that approach. That is not an approach that I will adopt now or ever.

Education: international students

Ms THOMSON (Footscray) — My question is to the Minister for Skills and Workforce Participation. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the government is attracting international students to study in Victoria, what the benefits are of this for Victoria and what threats there are to its continued success?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the member for Footscray for

her question'. She has a very strong interest in this area. It is important for both economic and good social reasons that we continue to work very hard in Victoria to welcome more international students to study in our state.

We know that international education makes a vital contribution to the state's economy and is our state's leading export earner. In 2008 we saw more than 160 000 international students choose to study in Victorian schools, universities and TAFEs or with training providers. Victoria is now attracting 30 per cent of all Australia's international enrolments, certainly a share that is proportionately greater than any other state. The reason for this is our world-class education and training and the desirable lifestyle we have built here in Victoria and which we can offer international students.

International students also play an incredibly important role in the social fabric of our state. They add to the diversity of our community and bring with them direct connections to the rest of the world. In 2008 more than half of Victoria's international student enrolments came from two countries: India and China. These countries are incredibly important partners to our state, as the Premier has outlined in particular in the case of China. They form a critical community within our international education system.

In this regard it is interesting to note an article that appeared in today's *Australian*, which reports on an Access Economics report that finds that a drop of only 5 per cent in the number of overseas students at Australian education and training institutions would come at a cost of 6300 jobs and a loss of more than \$600 million in export revenue to the national economy. In these tough economic times we simply cannot afford to let that happen, and the Brumby government will not let that happen.

I am deeply concerned by reports about recent comments that the commonwealth government's strong and important relationship with China is being construed as anti-China. There is absolutely no place for race politics in Australian public life, particularly when it places at risk efforts by successive governments on both sides of politics in Victoria to build a diverse and tolerant community that builds on those relationships and attracts more investment to our state.

On this point we certainly wonder what the Leader of the Opposition thinks about the views of his Canberra colleagues. Now would be a really good time — —

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question. The minister, to conclude her answer.

Ms ALLAN — International education alone is worth more than \$4.5 billion to this state's economy. We are in the process of developing an international education strategy that builds on the work of an international student task force that was led by the member for Footscray. This is a vital part of our economy and our community. It is absolutely critical that we build on our strengths and continue to welcome more international students to this state.

I was asked by the member for Footscray about the threats to the Victorian government's success in this area. We cannot afford any threats to Victoria's strong reputation in the international education sector, and that is why we would welcome it if the Leader of the Liberal Party worked with us, picked up the phone and demanded that his federal colleagues understand the importance of this sector to our state.

Minister for Health: performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the Auditor-General's report, which has confirmed widespread data manipulation and inaccurate and dodgy waiting list practices across the hospital system, and I ask: given that the minister's department has known about this since early February and that the minister has denied the existence of these practices, personally attacked those who raised concerns, allowed a senior medical practitioner to be sacked for speaking out and even blamed junior staff, how negligent and disgraceful do his minister's actions have to be before he will be sacked?

Mr BRUMBY (Premier) — In relation to the matters raised by the Leader of the Opposition, let me make a couple of things clear. The Minister for Health put in place the independent audit of the Royal Women's Hospital, and upon receiving the results of that audit, which showed that there had been 62 breaches of reporting standards, he put in place immediate measures to ensure that this would not happen again.

Mr R. Smith interjected.

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

Mr BRUMBY — As I have made very clear publicly over the last two days — yesterday in a media conference and again today — I believe the action

taken by the Minister for Health was decisive action to ensure that this problem would be rectified.

Mr Wells interjected.

The SPEAKER — Order! I warn the member for Scoresby. I will not allow the Premier to be shouted down.

Mr BRUMBY — As I have said, I believe the steps that were put in place — the abolition of the bonus pool, the random audits across the system where anybody running a public hospital system can randomly through the year have a knock, knock on the door from the Auditor-General for the — —

Mr Baillieu interjected.

Mr BRUMBY — You don't support random audits? You don't know!

Mr Baillieu interjected.

The SPEAKER — Order! I warn the Leader of the Opposition. I ask the Premier not to invite interjections in that manner. I ask the opposition once again to allow the Premier to answer the question.

Mr BRUMBY — The steps that have been put in place, plus of course the empowering of the public by ensuring that if any patient is moved from a waiting period list they will be informed in writing, will ensure the tightest possible set of standards across our system.

I think it is worth bearing in mind that across our health system each year there are something like 3 million different patient records and 3 million different patient treatments. What was determined at the Royal Women's Hospital was that there were 62 breaches. I have made it very clear — —

Honourable members interjecting.

The SPEAKER — Order! I have warned the Leader of the Opposition. I will not do so again. I warn the member for Hastings.

Mr Donnellan interjected.

The SPEAKER — Order! And I warn the member for Narre Warren North.

Mr BRUMBY — I have made it very clear I believe that if there is one case of misreporting, that is one case too many. But across the system as a whole we are determined to ensure that we run the best possible health system in Australia. We have substantially

increased funding to that system we have more than doubled recurrent funding.

Mr Wells interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Scoresby

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

Honourable member for Scoresby withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Minister for Health: performance

Questions resumed.

Mr BRUMBY (Premier) — If you look at all the measures that have been put in place, plus the decisive response of the Minister for Health to the Auditor-General's report, the full system-wide audit of the data system, independent audits in relation to the Latrobe Hospital and the new senior position in relation to data integrity, I believe you will see that these are entirely appropriate measures. They represent decisive ministerial action to address this problem, and I have every confidence they will address the problem going forward.

Mr Donnellan interjected.

The SPEAKER — Order! I ask the member for Narre Warren North to withdraw that remark.

Mr Donnellan — I withdraw.

Mr K. Smith interjected.

The SPEAKER — Order! I ask the member for Bass not to interject in that manner.

Alcohol: regulation

Dr HARKNESS (Frankston) — My question is to the Minister for Consumer Affairs. I refer to recent reports of antisocial behaviour in late-night entertainment precincts and ask the minister to advise the house of any recent developments and challenges in tackling this problem.

Mr ROBINSON (Minister for Consumer Affairs) — I thank the member for Frankston for his question. In commencing my response I commend him and applaud his fearless and, dare I say, heroic efforts in Frankston and for the leadership he has shown in conjunction with the local council and police in seeking greater controls to tackle antisocial behaviour. What we have seen in Frankston recently is the very successful implementation of a new designated area. I was there with the director of liquor licensing, police and the local member just a few weeks ago as we unveiled that initiative. We have seen in more recent times a very successful and comprehensive local lockdown. Those are initiatives that some people in the community of the member for Frankston have objected to, but he has shown great leadership in working with the police.

These measures in Frankston, like measures elsewhere, are strongly supported by police and by the new Chief Commissioner of Police, Simon Overland. If there is one thing the Brumby government would like to say, it is that we strongly support the new chief commissioner. We do this in a number of key ways, including by providing better resources for the record number of police who are available around the inner city on Friday and Saturday nights. I had the opportunity on Saturday night to be out with police for a few hours, and I saw the great work they were doing. We have supported them by giving them enhanced powers through things like banning notices. The member for Frankston understands this. Some 900 banning notices or thereabouts have been issued since that power came in.

We have supported the police and the chief commissioner by establishing the new compliance unit. That is something those on the other side do not support, but I can assure them that police on the streets in Melbourne late at night support that initiative. We have supported the chief commissioner and the police with the announcement by the Premier last week of the extension of the late-night licence freeze — another positive initiative.

Honourable members interjecting.

The SPEAKER — Order! The member for Bass! The member for Malvern is warned.

Mr ROBINSON — Of course we support the police through the work, the resources and the powers we have given to the director of liquor licensing, something that the other side does not support. I commend the director for the work she has done in recent days in response to the very regrettable incident at the Queensbridge Hotel. The response from the director was very swift, and it resulted in not only a

venue lockdown, a ban on bottles but also a substantial reduction in patron numbers — and I am sure all members would welcome that.

It almost goes without saying that the director and the police have been working very successfully. This was reported last week in the *Herald Sun* of 28 March under the heading ‘Saturdays out for shamed nightclub’. I will read part of the report for the benefit of members, but particularly for members opposite. It states:

Four rogue liquor licensees had been dragged before the VCAT this year for disciplinary action and 12 more tribunal cases were pending;

seven rotten apples operators had been disqualified for up to 15 years so far this year;

at least 40 inner city licensees are on a police watch list and face warnings or closure.

The director and police are doing an outstanding job in tackling the problems to which the member for Frankston has alluded.

I have been asked about the challenges that confront us as we seek to extend this oversight going forward. All of us have a role to play: the government, the opposition, the Parliament, the director, police, licensees, patrons and drink manufacturers, and the biggest challenge is if one of those key parties abrogates its responsibility.

Recently we had a national debate about measures designed to curb drink consumption. In reflecting upon the responsibilities that accrue to people I will quote to the house a very pertinent letter. It is from Dr Michael Carr-Gregg, one of Australia’s highest profile psychologists, who is known to all members of the house. In a letter to the *Herald Sun* of 25 March he states:

How sad that the first sensible move around the regulation of alcohol for a young market (which resulted in 165 million fewer standard drinks consumed in the nine months of the tax being in place) died at the hands of the opposition.

Do they know or care that Australian teenagers’ consumption of alcopops per person is twice that of the UK?

How many more people must be injured before we realise it is time to take drastic steps to make our drinking culture safer?

The federal opposition in Canberra should hang its head in shame, as should those opposite.

Honourable members interjecting.

The SPEAKER — Order! The minister knows better than to comment on federal government policy

and activities within the federal Parliament. The minister will conclude his answer.

Mr ROBINSON — I am very happy to conclude my answer by once again reiterating that the Brumby government strongly supports our police and our Chief Commissioner of Police. We will do what is required to bring irresponsible licensees and patrons to order, and we only hope the opposition supports us.

Minister for Health: performance

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to his long-held commitment to the values underpinning ministerial responsibility and the fact that ministers are at least responsible for acts of their departments which could have been prevented by due diligence on the part of the minister. Given that the Auditor-General's report today confirms a complete absence of due diligence by the Minister for Health, will the Premier now hold the minister to the Premier's own standards and sack the minister?

Mr BRUMBY (Premier) — I certainly cannot find that in the report anywhere. What page is that on?

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast knows better than to interject across the chamber in that manner.

Mrs Shardey interjected.

The SPEAKER — Order! The member for Caulfield knows better than to continue to interject while the Speaker has the call.

Mr BRUMBY — As I said earlier, I am very proud of the investments and positive developments that have occurred in our health system over the last decade. We are treating immeasurably more patients in our system, and we have seen the biggest capital investment in our public hospitals in this state's history. We are building a new children's hospital and a new women's hospital. We have built a new Austin Hospital. We are investing in country hospitals all around the state, including in Warrnambool. Unlike the former Liberal government in this state, we do not close hospitals: we open them and we fund them.

In relation to this report I repeat what I said earlier in answer to a question from the Leader of the Opposition: these matters having been confirmed, the minister acted properly, decisively and appropriately to address these issues with a proper public policy response.

Electricity: Mortlake power station

Ms D'AMBROSIO (Mill Park) — My question is to the Minister for Energy and Resources. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: will the minister update the house on how the Brumby government is encouraging new energy generation projects in Victoria and what that means for Victorian jobs and economic activity?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Mill Park for her question. The member understands the importance of the energy industry, with so many people living in her electorate and working in that industry. As the member for Mill Park would know, Victoria is an investor-friendly state which values employment and jobs. The Premier and I recently visited south-west Victoria to turn the first sod on a \$640 million gas-fired power station to be built near Mortlake. The Mortlake power station will be used to meet electricity needs at peak demand times such as late in the afternoon on hot summer days. When it is operating it will produce enough power to supply up to 250 000 homes — a quarter of a million homes.

This is a big development. At 550 megawatts it will be the biggest power station outside the Latrobe Valley — and it is now under construction at Mortlake. The Labor government has worked long and hard to provide greater energy security and reliability for all Victorians and on the need to make our electricity supplies less emission intensive. The Mortlake project is proof of the hard work in both of those areas bearing fruit. With the population of Victoria rapidly growing we need new energy sources, and this power station will produce half the greenhouse gas emissions of a traditional brown coal generator. The Mortlake power station is good news not only for our energy supplies but also for the Victorian economy. The power station will deliver a major boost to the region's economy, with more than 350 people to be employed in that part of the state. On top of that, the power station will get its natural gas from a new transmission pipeline which will bring gas from Port Campbell. Currently about 100 people are employed in constructing the pipeline between Port Campbell and Mortlake. This is an exciting time, not only for Victoria but —

Honourable members interjecting.

Mr BATCHELOR — It must be exciting if it stirs up the member for Sandringham —

The SPEAKER — Order! The minister will resume his seat for a moment. I will also comment on the interjections and the behaviour of the members for Benalla and Sandringham, which were quite inappropriate. The minister's encouragement of such behaviour is also to be discouraged.

Mr BATCHELOR — Going back, this is an exciting time for the south-west. This new power station at Mortlake is coming alongside Santos's proposed Shaw River gas-fired plant, the numerous wind farm projects and potentially geothermal projects as well. Projects like these mean real jobs for real Victorians. It is no surprise that this announcement was received very well in the south-west. The mayor of the Shire of Moyne, Ken Gale, was eager to point out that new workers would mean more trade for the local businesses. However, one person did not seem quite so happy with this announcement. The announcement was inappropriately described as 'disappointing' by the member for South-West Coast. Nobody else saw this as disappointing.

The SPEAKER — Order! The minister will confine his remarks to government business.

Mr BATCHELOR — This is a project which will bring \$640 million of investment into the region. There is nothing disappointing about that. It will bring 350 jobs in the building of the power station, and there is nothing disappointing about that. There are 100 new jobs involved in the construction of the pipeline, and there is nothing disappointing about that. Once the construction phase is finished, this project will create ongoing jobs, and there certainly is nothing disappointing about that.

As I said before, this is an exciting development for Victoria. There could be more developments at Mortlake, as Origin Energy Australia already has planning approval to build a second stage, which would lead to even more investment, more capacity and more jobs. There is nothing disappointing about that. This development shows that the government is taking action. We are leading with real investments to create real jobs for a really important part of the state.

Water: food bowl modernisation project

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the Premier's comments on 24 July 2007 that:

The food bowl modernisation project will result in an extra 75 gigalitres of new high-security water for farmers every year.

I ask: given the government's commitment that beyond 2010 any savings achieved in the project will be divided equally between the farmers, the environment and Melbourne, does the Premier guarantee that Melbourne will also receive 75 gigalitres of water from those savings every year?

Mr BRUMBY (Premier) — I am surprised by the question from the Leader of The Nationals, because my recollection is that is what we have always said. I am happy to check that for the Leader of The Nationals. We have always said that the first 75 gigalitres of savings would come to Melbourne, and that was part of the arrangements we discussed with those in the region. I think the honourable member is aware of the background. Some of that is the Central Goulburn 1234 project, some is the Shepparton modernisation and some is the first stage of the savings, and thereafter it has always been on the basis that the savings will be split a third, a third, a third.

Honourable members interjecting.

The SPEAKER — Order! We should allow the Premier to address the question without assistance from the Leader of The Nationals or the Minister for Water.

Mr BRUMBY — If after a number of years the savings were 150 gigalitres, they would be split — —

Honourable members interjecting.

Mr BRUMBY — They build up.

The SPEAKER — Order! I thank the member for Benalla for not continuing with his theatrical interjection. I ask members of the opposition to allow the Premier to address the question.

Mr Ryan — On a point of order, Speaker, I raise this as a matter of fairness so that the Premier clearly understands what I am putting to him as to what his comment was in 2007. He said there would be 75 gigalitres of new high-security water for farmers every year, with no reference to the ways it will be divided up or otherwise. He said 75 gigalitres every year.

The SPEAKER — Order! I think the Leader of The Nationals knows that is not a point of order.

Mr BRUMBY — The basis of this project has always been that there will be at least 225 billion litres — —

Mr Jasper interjected.

Mr BRUMBY — Goodness gracious!

The SPEAKER — Order! All opposition members have an opportunity to ask a question. Any member who stands in their place at the appropriate time will be given the call. To continue to question and pose questions when the Premier or any other minister is trying to address the question asked does not assist in the smooth running of question time and is out of order. I again ask for some cooperation from the opposition.

Mr BRUMBY — It has always been the basis of this project that there would be at least 225 gegalitres of water savings — —

Mr Weller — At least!

The SPEAKER — Order! I warn the member for Rodney, and he will not be warned again.

Mr BRUMBY — Honourable members opposite should check the internet, and they will find that one of the negotiations we had in relation to this project was with the Victorian Farmers Federation (VFF) and the chair of its water committee, Richard Anderson. Do you know what they were interested in? They were interested in the basis of sharing the water if further gains were made above 225 gegalitres.

This whole nonsense from the opposition parties, firstly, that there are no water savings — which would have to be the most stupid thing you could ever say in your life — in a system which distributes water across thousands of kilometres of open channel, distributing hundreds and hundreds of billions of litres, that there are no savings: that is exactly — —

An honourable member interjected.

Mr BRUMBY — The opposition has said, and the Plug the Pipe people have said, that there are no water savings. The basis has been that there are 225 gegalitres of water. The first 75 gegalitres of those savings go to Melbourne and thereafter the savings are shared one-third, one-third, one-third. Should there be water savings beyond 225 gegalitres we have agreed with other organisations in the region and with the VFF that they would continue to be shared above 225 gegalitres — but Melbourne would not require beyond 75 gegalitres.

Racing: regional and rural Victoria

Mr HARDMAN (Seymour) — My question is to the Minister for Racing. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house what the Brumby government is doing to support country racing?

Mr HULLS (Minister for Racing) — I thank the honourable member for Seymour for his question and for his continuing support of country racing. I attended the Yarra Valley Cup with him last Sunday, and he will agree it was a sensational day. Not only was there an exciting 10-race program but the day also showcased the fantastic food and wine grown in the Yarra Valley region as part of the Melbourne Food and Wine Festival.

Days such as the Yarra Valley Cup and Kilmore Cup, which I had the pleasure of presenting a few weeks ago, and the tricodes meeting — the racing, pacing and chasing spectacular — at Cranbourne recently capture the very essence of racing in regional and rural Victoria.

Since coming to government we have provided country racing with funding totalling \$44.1 million through our racing industry development and Living Country Racing programs to ensure that country racing not only survives but thrives. On top of this, last year we announced an \$86 million infrastructure package made up of \$45 million from the government and the rest from industry. This is the largest — I repeat, the largest — government investment in regional and rural racecourses in this state's history, and it contrasts starkly with what those opposite did for country racing when they were in government, which was nothing.

The SPEAKER — Order! The Deputy Premier will confine his remarks to government business.

Mr HULLS — The figures recently released by the racing industry are, I might say, testimony to the Brumby government's ongoing support for country racing. The figures reveal that during the 2008 Spring Racing Carnival almost 200 000 people attended country race meetings. This is a 10-year high in attendances. Indeed in the past five years attendances at country race meetings have grown not by 10 per cent and not by 20 per cent but by 25 per cent. This increase would not have been achieved without the Brumby government's continued support for country racing in this state.

Whilst we back up our words of support with action, there are those in the community, believe it or not, who think that country race clubs are a drag on the community. In particular one person went so far as to say that if country clubs did not meet certain targets, 'then you have to question whether they can continue to be a drag on the community'. Those comments were made by none other than the member for South-West Coast.

I can inform the house that we will continue to do everything we can to support country racing. More people are going to country racing than ever before, and Racing Victoria Ltd and Country Racing Victoria are diligently working to ensure the industry is capable of preparing detailed plans for every club in the state to ensure that all clubs have a sustainable future.

The Brumby government also recently announced that applications for the 2009–10 Living Country Racing program have opened, and I encourage all members of this house to contact their local race clubs and all greyhound, thoroughbred and harness racing clubs to apply for these grants of up to \$30 000 for community projects and infrastructure works. I thank the honourable member for Seymour for his question. It was a great day at Yarra Valley on Sunday. Obviously the shadow minister could not get there because his namesake was scratched from race 9 — that is, the Clown!

BUSHFIRES ROYAL COMMISSION (REPORT) BILL

Second reading

Debate resumed.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Bushfires Royal Commission (Report) Bill. This is a very important piece of legislation because it provides the framework by which the report on the royal commission into the disastrous bushfires can be presented to the Parliament and to the Victorian community with parliamentary privilege.

The purpose of the bill is to provide for the publication of a report of the bushfires royal commission. As we all know, the devastating bushfires that affected Victoria claimed 173 lives, caused numerous injuries, and had a devastating effect on families, communities, homes, farms, businesses and innumerable community assets. I think all Victorians, and indeed all Australians, were touched by the devastation of these bushfires. It is entirely appropriate that a royal commission be established to review all of the aspects related to those bushfires and to ensure that we as a community learn from this devastation to provide better protection for our community and Victorians in the future.

Clause 4 of the bill provides for a process for the publication of a report of the bushfires royal commission, and this is where there was initially some difference between this side of the house and the government which I understand has now been resolved.

Clause 4 originally provided that within 10 days of the Governor receiving the report, the minister had to give a copy of the report to the Clerk of each house of Parliament to ensure it was published. This 10-day period was contrary to the normal processes for the handing down of a royal commission report. I understand there was some concern that if the report were handed down when the house was not sitting, there would need to be some mechanism to ensure protection of the report with regard to parliamentary privilege. But there are better ways to do that and ways to overcome that difficulty.

Consistent with what has happened in recent royal commissions, such as the inquiries into the Longford gas explosion and the Metropolitan Ambulance Service, the procedure was that the report was immediately made available to members of Parliament and the public. I welcome the fact that the government has recognised the merit of the argument put to it by the Leader of The Nationals. I congratulate him for standing up for the correct procedure and upholding the interests of the Victorian public, and I support the amendment he proposed which I understand has now been reflected in the amendment put forward by the government.

Clause 3 of the bill defines the term ‘bushfires inquiry’ as:

the inquiry conducted by the Commissioners in accordance with the Letters Patent ...

The letters patent are also defined in clause 3. They refer to the royal commission and highlight some of the aspects that the royal commission is to look at and report on, including current laws, practices, policies and resources, strategies for prevention, and equipment and communications. Some of the key matters which the letters patent identifies the royal commission will address include:

6. The preparation and planning for future bushfire threats and risks, particularly the prevention of loss of life.
- ...
9. The emergency response to bushfires.
10. Public communication and community advice systems and strategies.
11. Training, infrastructure and overall resourcing needs.

The bill makes it very clear when referring to those letters patent that it covers the sorts of issues that a royal commission should look at. As I said, I think we owe a duty to those people affected by the bushfires to look at these aspects, and the royal commission,

through this legislation and its reporting mechanisms, owes a duty to report on these issues. Some of the issues that have been raised with me with respect to the royal commission — and which it should look at in respect of the letters patent and the reporting requirements in this legislation — are to do with the fire services levy, which is clearly unfair and inequitable as it applies to Victoria. As members would be aware, the fire services levy provides resourcing largely for the Country Fire Authority, and if people are underinsured — —

Ms Green — On a point of order, Speaker, I am sure the member for South-West Coast would be aware that this is simply a very technical bill which refers to the tabling, publication and parliamentary privilege arrangements for the royal commission report, and now is not the time to debate the substantive matters that may well come before the commission, because they are matters for the commission.

Dr NAPHTHINE — On the point of order, Speaker, I was referring specifically to clause 3 of the bill which defines the terms ‘bushfires inquiry’ and ‘letters patent’, and I was referring to the issues within the letters patent. I also refer to the second-reading speech which talks about the royal commission and the findings of the commission being of interest. I think it would be very disappointing if the government member who has raised this point of order wishes to curtail debate on this issue which is vitally important for the people of Victoria. What I am saying is relevant to the bill and it is also extremely relevant to all those affected by the bushfires, and I find it distasteful that the government would try to silence that debate.

The SPEAKER — Order! The bill before the Parliament is a very narrow bill that has as its purpose arrangements around the tabling and publication of the report of the bushfires royal commission. While general comments around the royal commission and the things that may come before it will obviously be allowed in passing, it would be disappointing to see debate of this bill, which is quite technical, canvass issues that are not in the scope of the bill. I do not uphold the point of order raised by the member for Yan Yean, but I remind the member for South-West Coast that the bill before the house is not a general bill, it is quite narrow and quite technical.

Dr NAPHTHINE — I was referring to clause 3 of the bill, which refers to the letters patent, and I am now referring to the letters patent which I am holding in front of me. The letters patent go to some of the issues that should be the subject of the report we are talking about. As I was saying, the royal commission needs

through the letters patent to address the unfairness and inequitable nature of the current fire services levy. It needs to go to the issue of fuel reduction programs in Victoria. The letters patent specifically refer to the preparation and planning for future bushfire threats. They are very relevant with respect to this bill when it refers specifically to the letters patent, and many people in the bushfire-affected areas and other areas across regional and rural Victoria have raised very real concerns about the lack of commitment of this government. The government lacks commitment to proper fuel reduction programs for public land, particularly national parks and Crown land, and to the need to maintain fire access tracks that are clear and open. Tracks are needed to provide protection for the people in this state and to provide a basis for back-burning in the event of a fire. Fuel reduction efforts are an important issue that the letters patent specifically raise, and I hope they will be addressed.

The other issue that the letters patent refer to is communications systems, and indeed equipment communication. It is absolutely vital that the royal commission have the opportunity to look at some of the issues raised with regard to breakdowns in communications, a lack of information being available to the public and the accuracy of the information available to the public. These issues are vitally important in people making life-affecting decisions about whether they should stay or go or when they should leave and are absolutely crucial to this whole matter. The royal commissioner has a very important role to play. Indeed — —

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

Ms GREEN (Yan Yean) — It is with pleasure that I join the debate on the Bushfires Royal Commission (Report) Bill. As has been referred to by most other speakers in this debate and as is indicated in the second-reading speech, this is quite a narrow bill that does not deal with the substantive issues which will be covered by the royal commission. The purpose of this bill is to make provision for the publication of a report of the bushfires royal commission.

Certainly as a member of Parliament whose electorate was very deeply affected by the events of that terrible day, Black Saturday, I am very pleased that nine days after that terrible event and the fires of late January in other parts of the state the government announced a commission of inquiry into the Victorian bushfires of Black Saturday and of late January. It was pleasing to see that such a far-reaching inquiry as detailed in the

letters patent was established following the fires that ravaged our community.

The findings of the royal commission will be of particular interest to my constituents and those of neighbouring electorates, like that of the member for Seymour. But so many communities across the state were similarly affected, and this bill sets out the process of the publication of this very important inquiry and is designed to ensure that those findings are available for the maximum public scrutiny and discussion.

The Leader of The Nationals has proposed an amendment which is identical to one that will be moved by the Attorney-General, and — —

Mr Jasper — Give him the acknowledgement.

Ms GREEN — I am pleased to see, despite the rude interjection from the other side of the house, that there is unanimity on both sides of the house in relation to this amendment. I said that the Leader of The Nationals has circulated an amendment which is identical to the amendment that will be moved by the Attorney-General. I am pleased to support that. The amendment proposes to omit the words ‘within 10 days after’ in clause 4, line 9, and insert the word ‘on’. I will be pleased to support the amendment.

As members would be aware, it is the ordinary practice for royal commission reports to be tabled in each house at the command of the Governor and then to be printed by the Parliament. This bill before the house will ensure that parliamentary privilege applies to and protects the commission, any witnesses and the publishers of the report from legal action arising from the publication of the report as this is appropriate.

This is not a particularly easy bill to deal with in debate, given that it is quite narrow in its scope. We are not debating the role of the royal commission nor the issues arising from it that will be analysed. I know that almost every member in this house was able to express their condolences in the last sitting week. That condolence debate showed that we can have unanimity of purpose when our community has suffered such a terrible tragedy. I hope very much that that continues, because I think it is what our community wants following this tragedy.

This bill will ensure that the interim report the government has sought from the royal commission will be brought down in August. I am pleased there will be a speedy interim report so that we do not have to wait for the full report. I think it is important to have this bill before the Parliament to ensure that the commission’s report, whether it is the interim report or the final

report, can be released to the community when the Parliament is not sitting and still attract parliamentary privilege. If this legislation were not passed, we could be waiting weeks for the report to be tabled, and I do not think that would be good for the community. That is not what the community’s wishes are at this time. I think people across the community very much want to see the report made available as soon as is practicable, and the government’s decision to legislate in this way reflects this overwhelming desire that is shared across the community.

Once a report is received, the clerks of each house will be required to notify all members of the house of that fact. Copies of the report will be available on request. The report will then be required to be formally tabled in the house on the next sitting day. It is not uncommon for this house to pass legislation such as this. It was done in respect of both the Longford and Metropolitan Ambulance Service royal commissions. The bill absolutely demonstrates the government’s commitment to accountability and to openness with our community in relation to this very important royal commission. I am pleased that members of the opposition, including the Leader of The Nationals, have indicated their support for this. I hope that view is shared by all members of this house. I wish the bill a speedy passage both here and in the other place. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on this very important Bushfires Royal Commission (Report) Bill 2009. The bushfires impacted on my electorate in a couple of areas. One of them was Coleraine and the other was Horsham. We lost a lot of land and a lot of sheds; we lost 11 houses in Horsham and 1 at Coleraine. Thankfully we lost no lives. We are very thankful for the work of our emergency service people and Country Fire Authority volunteers and the like.

One person suffered burns to 50 per cent of his body. He was in the Alfred hospital until last Friday week. He made an amazing recovery, and was released last Friday. With great support not only from the hospital but also from the Coleraine community he got out of hospital. I am pleased to report that John Smeets is now at home being cared for by his wife and the fantastic community, including the nurses who call in and redress his bandages every day.

This bill, as has been said before, makes provision for the publication of both the interim and final reports of the bushfires royal commission. As has been said by many others, it is a brief but very significant bill. The royal commission, as we all know, was established on

16 February 2009 to provide an interim report by 17 August this year and a final report by no later than 31 July 2010. I have to say that when I spoke on the radio this morning I mistakenly said the interim report was to be completed by 17 May — I think the commission would have a huge job getting it done by then! I recognise that the preliminary report will be completed by 17 August.

As we know, the ordinary practice is for reports to be tabled in each house immediately they are handed to the Governor. The interim report will be completed on a non-sitting day and the same may occur with the final report — we still do not know the sitting days for next year. To avoid delay in publication of either or both of these reports, an alternative means of publication was required. That is the reason we have this bill before us today. The bill is similar but not quite the same as those that provided for the Longford Royal Commission report of 1999 and the Metropolitan Ambulance Service commission report of 2001.

What has got up the nose of this side of the house is that the government put into this bill a provision whereby there would be a 10-day delay for the publication of the report to the community. The government would have had the report, while the community, which is the main beneficiary of the report, would not have had it. As has been mentioned by the member for Yan Yean, the Leader of The Nationals, who is also the shadow minister for bushfire recovery, put forward an amendment to the bill, which we are pleased has been recognised and accepted by the Attorney-General.

The 10-day period will now no longer be in the bill. This has been discussed in contributions on the bill by previous speakers. However, I have been here in the house since this debate started and have still not heard one government member get up and explain why that 10-day delay was put in the bill in the first place. I call on the Attorney-General, if some member or minister does not do it earlier, to get up and explain that when he wraps up the debate.

Like the Leader of The Nationals and, at this stage, all members of the house, I am supporting this legislation. I would just like to make a couple of points about it. The member for Yan Yean spoke about the fact that the commission related to the Black Saturday fires, and I am pleased to see that thanks to a bit of prompting, this commission report will be covering the January-February fires as well, because as we know there were some bushfires which started in Gippsland much earlier than Black Saturday; we had bushfires right across Victoria.

The other thing I want to speak about is that when the commission made the announcement that it would be having community consultations across Victoria, it was unable to fit in the western part of Victoria that I represent. I knew the commission had a very tight schedule but I wrote a letter to the chairperson of the Victorian bushfires royal commission on 11 March 2009, which I will quote from:

I write to you to express my concern about the lack of community consultations in western Victoria and the Lowan electorate.

I note that consultation sessions will run from 18 March —

I know that they are already happening. My colleague the member for Morwell is down there today in his electorate, being part of that —

through to 8 April 2009.

I went on to say that the closest session to the affected communities that I represent was to be held in Bendigo, which is over 400 kilometres from the township of Coleraine and over 200 kilometres from Horsham. These communities were badly affected by the bushfires. I wrote:

I am aware that you have a very short time frame to conduct the community consultations, however, I feel that the people of western Victoria deserve the opportunity to be part of this process and to have their concerns brought to the attention of the royal commission.

Yesterday my office got a phone call from the royal commission office, informing my staff that the commission was coming to Haven, just near Horsham. There is a newspaper story about it today. I again thank Bernard Teague and the other commissioners for making the time to come to Haven, and I really welcome them; I know they are going to split the members of the commission on that day. I also noted in the newspaper today that other people from both councils and communities affected by the fires were thanking the royal commission. In the letter I wrote to the royal commissioner I said there were important issues that my constituents wanted to discuss with the royal commission.

This bill is very brief, but on page 1 it deals with its purpose, the commencement and, importantly, the definitions. Under these definitions 'bushfires inquiry' means an inquiry conducted by the commissioners in accordance with the letters patent. The definition goes on to state that 'letters patent' means letters patent dated 16 February 2009, a copy of which was published in the *Government Gazette* on that date.

I have also got a copy of that letters patent, and it talks about a lot of things the commission will be looking at. We welcome that, and I think most people in Victoria would welcome that. The royal commission has very wide-ranging terms of reference. It refers to current laws, policies, resources, equipment, communications systems, the emergency response to fires and the public communication and community advice systems and strategies. I want to compliment again the work done by the ABC.

The SPEAKER — Order! I remind the member at this stage that the bill is not about the letters patent. I understand they are mentioned in the bill under ‘Definitions’, but this is a narrow bill. I am quite happy with the comments the member has made to date, which I believe are broadly relevant to the bill, but I ask him to be mindful of how far from the bill he strays.

Mr DELAHUNTY — I thank you for your guidance, Speaker. I just want to say that in the communications area great work was done by Prue Bentley of the ABC, as well as by ACE radio, which is a wide-ranging private communications company in western Victoria. Sandra Moon and Emily Canning are also to be congratulated.

There are many issues we want to talk about. Many current laws and practices need to be discussed, as well as financial assistance, whether it be from the government or the Red Cross. Importantly, one thing that has been overlooked is the impact on small businesses. I compliment the government for its support of the Horsham Golf Club. It gave \$100 000 towards the re-establishment of that fantastic facility. I believe the loss of the golf club was symbolic of a loss of recreational facilities across Victoria. There were also impacts on small businesses, including trucking companies and many others.

This will be a very worthwhile report which will cover many issues. We are pleased to see that the government has accepted the amendments circulated by the Leader of The Nationals as the shadow minister for bushfire recovery. We have still had no explanation from any government members who have spoken on this bill of why the measure was included in the first place. This bill is all about timing — getting the report out quickly to people in the community, because they are the ones who need to get the answers to a lot of these questions. Thankfully, as I said, we did not lose lives in western Victoria. We lost a lot of houses, sheds, facilities, fences and stock, but thankfully we did not lose lives. We need to make sure that the royal commission gives a good report. The interim report will deal with some issues that can be taken forward for the bushfire season

for next year. Hopefully the report will give good direction so that this will never happen again.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member’s time has expired.

Mr HARDMAN (Seymour) — I rise to support the Bushfires Royal Commission (Report) Bill 2009, which is a very narrow bill. It will enable the government to publish the royal commission’s report so it can be tabled in a timely and practical manner. As has been discussed over and over, the bill does not enable debate here on the royal commission or the issues that it will analyse in the coming weeks and months.

As the state representative for many areas that were impacted by the fires, I was very pleased when the Premier announced very soon after the devastating fires that there would be a royal commission, and that the government got on with establishing the commission very quickly after that. This will give confidence to the people of the Seymour electorate and the people of Victoria that all the issues that are out there and being debated right now will be considered very seriously so that we will come up with better fire management into the future as we live in very different times.

The bill is about enabling the bushfires royal commission report to be released when Parliament is not sitting while still attracting parliamentary privilege, which is a worthwhile reason as some weeks could pass before Parliament sits. The bill takes care of that issue. The identical amendments circulated by the Leader of The Nationals and the Attorney-General provide that on receipt of the report from the Governor the bill will be given to both houses of Parliament for publishing.

The bill needs to be passed in order for the report to be made public as quickly as possible. If it is not and if Parliament is not sitting we could be waiting many weeks for the report to be tabled. This bill is important from that point. It demonstrates the government’s commitment to accountability and openness in relation to the royal commission, and I commend the government for that. I wish the bill a very speedy passage and look forward to seeing both the interim and final reports of the royal commission.

Mrs VICTORIA (Bayswater) — I rise to speak on the Bushfires Royal Commission (Report) Bill 2009. The crux of the bill is to make provision for the publication of both the interim and final reports of the bushfires royal commission, which I am sure we all very much appreciate and welcome. The interim report will be due by 17 August this year and the final report will be due in the middle of next year, on 31 July. From

my understanding — and I have not been a member of Parliament while a royal commission has been in play — a royal commission hands its report over to the Governor and it is then handed over to the clerks in Parliament, where the orders are given to have it printed, and then it is available to all.

However, I notice that in this case — and I do not know whether or not this is normal — the report will be available on request. I would assume that in this day and age, when we have our fantastic parliamentary library, which has the technology to put a link on an email to all MPs with downloadable copies of research papers as they are completed, we should all be able to have a link to the royal commission's report, which would be instantaneous.

All of this is fine on a sitting day, when I believe it all happens as a matter of process. But the government has allocated 17 August as the day by which the interim report is to be handed down. That will be a non-sitting day, which I find quite amusing, seeing it is the government which determines which days we sit for the year. I am a bit worried that this might be an attempt to manipulate the process.

Clause 4 (1) of the bill originally set out to allow a time lag of up to 10 days between the interim report being completed and being available to MPs and to Victorians alike. I am a bit worried. I know an amendment has been circulated by The Nationals and another amendment in keeping with that circulated by the government, but I wonder why the clause was included in the first place. I believe the clerks did not ask for the time lag to be put in. It is unprecedented. It certainly did not happen for the Longford Royal Commission or the Metropolitan Ambulance Service Royal Commission. There seems to be no logical path to who might have requested this other than the government itself.

That then begs the question: why? I would say, how dare the government attempt to control a public process by adding such a clause? After all, it is the government that chooses the sitting dates. I find that attempt to manipulate the process quite appalling, and shonky at best.

When I looked at why this was done a couple of things sprang to mind. I am not a conspiracy theorist but I am a realist, a Victorian and a taxpayer — and I like to know what my government is doing. Perhaps the government will not be too happy, as any government might not be, about what might be found by the royal commission, and I will not speculate about what will be in the royal commission's report. It could be about fuel reduction or early warning systems. We will not know

until all that happens. Perhaps with the 10-day time lag the government was going to wait for a day when there was a significant incident — perhaps a local incident, an international incident or an Australian national incident — that would take the front page of the newspapers. You only need something like that to then pop this report in on page 3, 4 or 5 of a newspaper.

I would think that on the day it was handed down Victorians would think it was probably the most important thing that could possibly come to the front of the news. Whether that was in the thinking, we do not know. Perhaps the government was looking at the time lag to be able to give its backbenchers and other MPs preparation time to trot out some sort of stock standard answer when quite difficult questions were asked of it. Again, that is just something we are only speculating about.

An honourable member interjected.

Mrs VICTORIA — I am on the bill; this was written in the bill. May I suggest that I am very pleased this bill is now in its correct format and the slimy, sneaky, manipulative clause 4(1) has been removed. I commend the bill to the house and wish it a speedy passage.

Ms MUNT (Mordialloc) — I am very pleased to speak today in support of the Bushfires Royal Commission (Report) Bill 2009 and perhaps to talk a little bit of sense after the contribution I just heard from the member for Bayswater about the 'slimy, sneaky' something or other that was part of this bill. It is absolutely ridiculous to speak in that manner about this bill, and it does not show much respect overall.

This bill is technical in nature, but it is very important. The importance of the bill is that it provides a mechanism to enable witnesses in the proceedings of the bushfires royal commission to have complete parliamentary privilege. It is important to put that privilege in place so that all of those who come before the royal commission can speak openly, honestly and without fear of any sort of legal or other retribution. This bill has been introduced as a mark of the government's commitment to an open, accountable, fair, unbiased and wide-ranging bushfires royal commission. That is the intention of the government.

It is also my understanding that an amendment has been proposed by the Leader of The Nationals to omit the words 'Within 10 days after' from clause 4 at line 9 and insert the word 'On' instead. That amendment will be moved by the Attorney-General. Once again that shows our commitment to work with all sides of Parliament to

put this process in place and to allow all sides of Parliament to be part of this process and allow the bushfires royal commission to undertake its inquiries without any fear or favour. To hear the clause being described as ‘slimy’ is absolutely ridiculous and repugnant and shows no respect or true understanding of how these processes work. We are committed to openness and accountability, particularly in this respect.

We hope the bushfires royal commission, under the protection of parliamentary privilege and outside the parliamentary sittings, does its very best in looking into every aspect of the terrible tragedy that happened in Victoria, and the bill will allow us to consider the report as soon as it is tabled, particularly before next summer. That is why the bill has been introduced and why we will support the amendment to that clause, because we want to work with both sides of Parliament.

Mrs Victoria — Hear, hear!

Ms MUNT — Now the member for Bayswater is saying, ‘Hear, hear’, which is a complete change of tune. It is a measure of our earnestness and desire to treat this fairly and openly. The original words ‘Within 10 days after’ were probably there to ensure a rapid response to the bushfires royal commission. Previously in relation to other royal commissions there has been no time limit put in place; they have been open-ended. The Longford Royal Commission — —

An honourable member interjected.

Ms MUNT — I am getting an interjection saying that it was two days. The government may have tabled it within two days, but it is my understanding that no time limit was put in place; it was left open-ended. This clause was an attempt to make sure that a timely response was given. I support the bill. I hope it has the support of both sides of the house so that we can show our commitment — all of us — to the people of Victoria and to this royal commission process as well as to giving parliamentary privilege to all who appear before the commission. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak in support of the Bushfires Royal Commission (Report) Bill with the amendment proposed by the Leader of The Nationals, which was interestingly simulated by the Attorney-General. As we all know, the bushfires caused a tragic loss of life and a massive loss of property. In the electorate of Benalla, whilst it was not as severely impacted on as other electorates, in particular Yan Yean and Seymour, there was still substantial loss, as there was in the electorates of Morwell and Gippsland. The

other fire losses are sometimes forgotten in the context of the massive losses in the Seymour and Yan Yean areas. We also recognise other electorates as well, including Evelyn.

The electorate of Benalla was impacted on in the north by the so-called Beechworth fires, which were really the Mudgegonga fires. In that electorate, regrettably, Sue and John Wilson lost their lives. Sixteen houses were lost and 240 properties were damaged severely, as were thousands of hectares of pasture, thousands of head of livestock and hundreds of kilometres of fencing.

The bill, with the amendment proposed by the Leader of The Nationals, will result in the report from the royal commission being made available as soon as possible to all of the Parliament, the media and the public simultaneously. Had the amendment not been proposed, there would have been a risk of a further delay in the information becoming public. Given that we would expect — reasonably, given the broad terms of reference of the royal commission — that there will be a series of important findings and recommendations that will be looking for action as early as possible ahead of the next fire season, a time period of 10 days is critical. To bring forward the time for reporting to ensure that the report is available publicly and can be acted upon sooner rather than later is a plus.

There has been some debate about the bill’s lack of breadth, and previous speakers have highlighted clause 3 and the definition of ‘letters patent’. Without straying from the bill, Acting Speaker — I just wish to follow the lead of other contributors that have been tolerated by previous acting speakers — some of the key issues for which it will be important that information and recommendations are made available sooner rather than later include fuel reduction, roadside vegetation management, communications, particularly in the combat phase of an emergency, landlines going down, poor mobile phone coverage in a lot of the high fire-risk areas, Country Fire Authority radio failure in large parts of various areas and the overloading of the 000 system.

Other speakers have mentioned other issues. The member for Mordialloc talked about the importance of people being able to contribute to the royal commission without fear or favour. I certainly hope that is the case and that ‘without fear or favour’ applies to everyone, including employees of government agencies.

In coming back to the amendment, I would like to commend the Leader of The Nationals for his astuteness in picking up the issue and his very capable

presentation of his argument in his lead speech. He led into the issue in the context of the World War II experiences at Kokoda. He spoke about the importance of royal commissions and about the importance of having this information from the royal commission made available as soon as possible to the members of the public who have suffered so much in these fires. He then outlined a very rational and reasoned explanation as to why it was inconsistent and illogical and therefore inappropriate to have a 10-day delay. Clearly the capabilities of the Leader of The Nationals have been recognised by the government, and today we heard a glowing recommendation and glowing praise for the Leader of The Nationals by the member for Melton.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Benalla will confine his remarks to the bill.

Dr SYKES — It is on the bill, with respect, Acting Speaker, because I am — —

The ACTING SPEAKER (Mr Ingram) — Order! I have requested that the member for Benalla stay on the bill. He should not challenge the comments I have made.

Dr SYKES — I will return to the issue of the importance of the early publication of this information and the importance therefore of this amendment, which will ensure a reduction of up to 10 days in the time taken for the information to be made available to the public.

Acting Speaker, I think you would have some empathy with the issue of the state of mind of the people out there who have been traumatised by the bushfire experience. The people out there have gone through the adrenalin-surging combat phase, when absolutely amazing and frightening experiences have occurred; they have then gone into the numbness phase, when all their senses are dulled; and now they are moving on to the frustration and anger phase. That process is tearing out the hearts of these people and draining them emotionally. Regrettably there is some so-called collateral damage occurring, as we have seen recently in my electorate, where local governments that have been doing their darnedest to respond to the massive impact of the bushfires have been coming under what I consider to be unfair criticism of the way they have gone about their work. It is critical that this phase — this anger and frustration phase — be brought to an end as soon as possible. On another day and on another occasion I will touch on other initiatives that the government could implement now to take some of the

pressure off local government, but it would be inappropriate for me to go down that track now.

However, one more time I will highlight the importance of the amendment moved by the Leader of The Nationals which will, if nothing else, ensure consistency with previous performance and help address the concerns that were expressed by the member for Bayswater about the possibility of there being a 'slimy' provision. I think that was the word she used, but I will not go down that track. There is obviously some uncertainty out there about what the government's intention may have been in building in that 10-day delay. As I said, there were no precedents for that in relation to the reports of the two previous royal commissions that have been mentioned. It would appear that no particular agency requested that the 10-day delay be built in, and it would appear that the logistics of producing the report could all be covered, so there is a nagging doubt in the minds of people as to why that 10-day delay should be built in. Therefore it is a very appropriate and pragmatic solution to simply have that provision removed.

I go back to giving credit to the Leader of The Nationals for his ability to identify this issue, to encapsulate the argument so succinctly and to explain it to the point where the government and the Attorney-General saw it as being appropriate to exactly replicate the amendment proposed by the Leader of The Nationals. I also wish to ensure that the government, through the member for Melton and others, acknowledges the capabilities of the member for Gippsland South in his general role as Leader of The Nationals and also in his role as shadow minister for bushfire response. In that capacity he is raising this and many other issues that are impacting heavily on many country Victorians and on many Victorians in general. I commend the Leader of The Nationals for his work, and I commend the bill and the amendments to the Parliament.

Mr LANGUILLER (Derrimut) — I rise in support of the Bushfires Royal Commission (Report) Bill 2009. Like all members in this house, I wish that we did not have to introduce this bill and have this discussion about providing for the setting up of a royal commission. We thought we had gone through tough times in 1939, and subsequently we thought we had gone through very tough times in 1983, but the events of 7 February 2009 were tragic. It is important to state that this bill is very narrow in scope and provides for a process to occur.

Therefore while we are all in some shape or form tempted to perhaps put on the record a whole range of

genuine and bona fide stories about community, about humanity and about what actually happened, the important thing for us to do today is to focus on the fact that what we are doing is making provision for a process whereby the report of the bushfires royal commission may be published on a non-sitting day and attract parliamentary privilege, as happened in the cases of the Longford Royal Commission (Report) Act in 1999 and the Constitution (Metropolitan Ambulance Service Royal Commission Report) Act in 2001. Once we focus on that, we will then understand — and other members have made this comment on the record — that the establishment of a royal commission is the most that any government could have done. I commend the government for providing for that to happen.

I am aware that the communities at large are very supportive of the royal commission, because they believe that once these provisions are passed and once the royal commission makes its reports — and incidentally it is not the government that will be reporting but the royal commission — many lessons will be learnt for the purpose of ensuring that if such a tragic event should take place again, we will be best equipped to deal with it. That is why it is inappropriate for any member to pre-empt what the royal commission should be discussing — the scope or depth of its inquiry or any other issues — because we are now in the process of providing that parliamentary privilege will attach to the report of the royal commission in the event that the report is presented at a time when Parliament is not sitting. That is what this bill is all about.

I commend this important initiative, which I know is welcomed by everybody. It is certainly welcomed by the people who were in the front line. It is welcomed by everybody because every Victorian throughout the state and everyone around the nation has been touched in some shape or form by what happened on 7 February 2009 and in the days that followed.

I am a member of the Scrutiny of Acts and Regulations Committee, and I wish to take this opportunity to commend the statement of compatibility to the house. I think it is important to place on the record that one aspect of the bill we looked at in relation to the Charter of Human Rights and Responsibilities was the right to privacy. Section 13 of the charter provides as follows:

A person has the right —

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have his or her reputation unlawfully attacked.

The bill permits the government to publish a report by the commission. The report may affect a person's right to privacy and reputation if the report includes material of a private nature or material that is critical of individuals. The bill grants absolute privilege to the publication of the report so that those affected cannot be sued for defamation. It is an important comment and is well covered by the statement and meets the requirements of the charter of human rights.

In conclusion, this is a good move from the government, supported by the opposition. It will make the provisions required for tackling a serious issue with a serious response by the government to enable the royal commission to take place.

As members would be aware, I am always comparing the reactions that occur in the jurisdiction of one country with those in another. It is very heartening to see that countries like Australia and states like Victoria provide for royal commissions to determine the nature, scope and depth of the event and then make recommendations without fear or favour, while knowing the commission is independent and autonomous. The commission will make the final report, not the government, and those who give evidence before the commission will be completely protected and provided with privilege. With those few remarks I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to join the debate on the Bushfires Royal Commission (Report) Bill 2009. This is a small bill but it has an important impact. The purpose of the bill is to make provision for the publication of both the interim and final reports of the bushfires royal commission. The opposition supports the legislation, and it does so after the government accepted the opposition's amendment which was put forward by the shadow minister for bushfire response, the member for Gippsland South. The amendment related to removing the 10-day delay before the report is tabled and given to the Victorian people to read it and understand the findings of the royal commission.

The bill provides a process for the publication of the bushfires royal commission report, but clause 4 is about delaying the publication of the report so that within 10 days of the government receiving the report the minister must give a copy of the report to the Clerk of each house of Parliament and must ensure that the report is published by the government printer. The Clerk of each house must notify all members that the report has been received and is available on request. The shadow minister for bushfires response said that this differs from the normal process when royal

commission reports have been tabled in this house, because the normal process that was followed in the past is that the reports, once they were printed, were available and automatically distributed to members. This provision is a move away from what was an accepted practice in the tabling of other royal commission reports.

The report of the royal commission is to be tabled in the house on the next sitting day of the Parliament. Sections 73 and 74 of the Constitution Act 1975 apply to the publication of the report. These provisions provide absolute privilege to the publication of the report, which means the interim report or the final report. They protect any person from civil or criminal liability which arises from the publication of either of those reports or copies of the reports. It is important to have parliamentary privilege for people who have given information to the commission and for the commission so that when the information and the findings of the commission become public there is protection for the people.

The shadow minister for bushfire response also explained the normal process when dealing with royal commission reports. I will not go into great detail, but the shadow minister referred in his presentation to the Longford Royal Commission in 1999 and the Metropolitan Ambulance Service Royal Commission in 2001. Both of those royal commission reports were very lengthy and detailed and contained very substantial findings and recommendations. The shadow minister asked why the government had moved away from the normal practice of reports being tabled in each house of the Parliament immediately after they had been handed to the Governor and then ordered to be printed by the Parliament. As I said earlier, that would then allow for parliamentary privilege to protect the commission and participants from legal action. The shadow minister asked why — given, as he said, that it was not called for by people in the community, it was not called for by the stakeholders and was not called for by other authorities — yet the government made a decision to have that delay so that it could have the report in its hands for up to 10 days before having it tabled in this place.

We are not saying this would happen, but it may make people believe that there could be something in the report that the government wanted to see first and prepare for it. The people of Victoria have every right to believe and understand that democracy is at work and that all the information they have given to the royal commission, whether it be the community that has been affected or others, is reflected in the findings or recommendations of the commission, because the

community is waiting for the report. The government is obligated to make sure that the report is put into the hands of the Victorian community as soon as it is finalised so that people can see the findings and recommendations of the commission. This is a very important royal commission because people have been hurting since 7 February, Black Saturday. They want to make sure their information is put to the royal commission so that the events of Black Saturday will never happen again.

The government also controls parliamentary sitting days, and it is interesting to note that the report will be tabled on 17 August, a non-sitting day. I am not sure why the government made the decision to table it on a non-sitting day.

Again, those who are a bit cynical might say that it is to avoid the scrutiny of this Parliament that it is to be tabled on a non-sitting day. As I said earlier, this royal commission is going to be very important to the people of Victoria — to the people who have been affected, to each member of Parliament in this place who had members of their community affected or who themselves have been affected — and we all want to know what it will find about what happened as Black Saturday unfolded. We want to know what happened in the months before Black Saturday and since then.

Many of the issues that will be raised will impact on local government. As the shadow Minister for Local Government I am also hoping that local government will have an opportunity to provide information to the royal commission. From speaking to councils at the moment, it is clear they want to make sure the commission is aware that there are financial implications from what happened on Black Saturday. I know that the royal commission will look at those issues and the implications for local government. There are implications for counselling services as to whether the people who have been affected by Black Saturday have been counselled or are able to be counselled before they appear before the royal commission. They will be emotional and will need some support. I understand advertisements have been placed in the newspapers about that support should people want to give evidence before the royal commission. People are very angry about the issue of vegetation clearance, and this has also impacted on local government.

I know that people will want to have their say before the royal commission to make sure that its findings go to the core of their concerns. The community has raised expectations about government support. The councils have raised expectations about government support.

The ACTING SPEAKER (Mr Ingram) — Order! I remind the member for Shepparton that this is a narrow bill. While I am happy to give the member some latitude, I remind the member she should stay focused on the content of the bill.

Mrs POWELL — I will finalise my remarks by saying this is a really important bill. We wish it a speedy passage. We believe the opposition has made this bill much better by removing the 10-day delay so that the people of Victoria can see this report in as timely a way as possible, can come to grips with what happened on Black Saturday and can move on and rebuild their lives. Hopefully the royal commission will put in place some recommendations for the community and some for the government. Members of Parliament on all sides in this place are hoping that will be the case, and we all look forward to having the royal commission report tabled as soon as possible.

Ms LOBATO (Gembrook) — I wish to support the Bushfires Royal Commission (Report) Bill 2009, and I rise to speak on behalf of the Gembrook electorate, which was threatened by three fires over a period of four weeks. Much of the forested areas of over 28 000 hectares in my electorate, including the Bunyip State Park, were affected. I note that all members in this place had an opportunity to talk about the bushfires in their contributions to the condolence motion debate.

As members have stated previously, this is a very narrow bill with a specific intention. The purpose of this bill is to make provision for the publication of the report of the Victorian bushfires royal commission. The presentation to the Parliament and publication of the report will occur after receipt by the Governor of a copy of the report from the commissioners about the results of the inquiry and their recommendations. The bill provides for the possibility that the report may be published on a non-sitting day, but it will still require parliamentary privilege. This bill is about ensuring that public access to the report is provided to enable the necessary scrutiny to occur.

The importance of the royal commission is paramount to all Victorians, particularly the people in the bushfire-affected areas. It is a necessary inquiry to ensure that the experiences, feedback and suggestions of all people involved are heard by the commission.

On 16 February this year the commission of inquiry into the Victorian bushfires was established in response to the tragic bushfires that recently ravaged our state. This royal commission process will be very important to the residents of the Gembrook electorate. Many issues were raised during the four weeks that the

electorate was under threat of fires and they need to be heard, as do those of all Victorians. I will be conducting forums within the townships of Warburton and Gembrook to ascertain the suggestions of my constituents which, together with their feedback, will be fed through to the royal commission.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Gembrook, on the bill.

Ms LOBATO — The royal commission has been taking submissions and has conducted community consultations. I look forward to the report being tabled in the Parliament. I also look forward to the time when all members of our community understand the effects of the bushfires through a very open and transparent process. I commend the bill to the house.

Mr MULDER (Polwarth) — I, too, rise to support the Bushfires Royal Commission (Report) Bill and in doing so also support the amendment that has been proposed by the Leader of The Nationals in relation to clause 4 of the bill. This amendment seeks to remove the provision of 10 days for the government to hold up the release of the report of the royal commission. When I first read the bill and looked at this provision I found it absolutely insensitive and repulsive. To think that the government would seek to politicise the release of this report, after the bipartisan support shown in relation to the bushfire events and those that followed, by holding it up for a period of 10 days is inexplicable.

What we have to realise in this place is that that particular event and the royal commission following it are not about us. This is not about politicians, it is not about this Parliament, it is not about the bureaucracy and it is not about media units. It is about the people out there who have lost families, who have lost friends, who have had their businesses destroyed and who have lost property; it is about them.

It is really up to the Parliament, once the report is provided to it, to get it out there immediately. It is not about us trying to make any political gain by holding the report back from the people who are waiting with bated breath to see what it has to say about how they go forward with their lives and what it has to say about other parts of the state that were lucky enough to escape such a horrific event. It is very important that the government accept this amendment and that the report go out as soon as possible.

On the day we had those horrific fires, as I have said before in this place, I was one of the lucky ones. I live in Colac at the base of the Otway Ranges. We had a bushfire at Weerite that came right to the edge of the

bush. Had it started an hour earlier, that fire would have gone right through to the coast, and we would have been in the same position as those in other parts of the state who lost lives and property as a result of that horrific day. I hope this report will deal with some issues that will give the people where I live some hope and assurance into the future.

One issue that has been discussed at length is that of an early warning system. I hope the commission will look very closely at the fact that we had developed an early warning system in Victoria but for some reason it never got off the ground; it was never implemented. It is very important that we get to the root cause of why that happened.

The other issue I am hoping the royal commission will look at and examine closely is in relation to the policy of 'stay and defend'. I have said before in this house, and I will say it again, that there is a huge difference between a well-equipped farmer standing to fight a grass fire, surrounded by neighbours and Country Fire Authority volunteers, and someone who lives in a closely settled community out in the Otway Ranges in the middle of eucalypt bush. It is a very different scenario. To have a policy of stay and defend that is not accompanied — —

The ACTING SPEAKER (Mr Ingram) — Order! I remind the member for Polwarth that I have been pulling members up on the issue of relevance.

Mr MULDER — I have listened to the debate very carefully, Acting Speaker, and clearly members have spoken on these matters.

The ACTING SPEAKER (Mr Ingram) — Order! I have tried to keep members relevant to the bill.

Mr MULDER — The bill is about the royal commission report which I hope will cover the issues I have been talking about. Other members have spoken at length about these matters, Acting Speaker — —

The ACTING SPEAKER (Mr Ingram) — Order! Members who have gone off the bill have predominantly been pulled up.

Mr MULDER — No, they have not. I have listened clearly to the debate — —

The ACTING SPEAKER (Mr Ingram) — Order! The debate is on the Bushfires Royal Commission (Report) Bill, which is about the tabling of the report and — —

Mr MULDER — Yes, and the contents of that report.

The ACTING SPEAKER (Mr Ingram) — Order! Previous Speakers' rulings on this subject have allowed people to touch on other issues but to be called back to the subject matter of the bill, and that is what I was attempting to do. I ask the member to keep to the subject matter of the bill; otherwise I will no longer hear the member.

Mr MULDER — I will refer to the bushfires royal commission report, the issues to be discussed in that report and matters that have been put forward and will continue to be put forward to the commission. As a member of Parliament I hope they are issues that will be dealt with in that report when it is tabled in Parliament. The issues that I have spoken about will be dealt with by the royal commission. They have been canvassed widely in the community, and they have been discussed by other members at length during the debate.

It would be grossly inappropriate, Acting Speaker, if I were to be sat down and not allowed to discuss the issues that other members have discussed, but I will continue. As I was saying in relation to this matter, I hope the report will deal with the issues such as whether or not people should stay and defend their properties. It is very important that the royal commission deal with that matter so that we have direction out there in the community as to how we deal with this into the future. It is important to the people where I live, it is important to people who lost lives and properties, and I will continue to stand up for that.

The ACTING SPEAKER (Mr Ingram) — Order! All members of this place would like to have that debate, but this is a very narrow bill, and I remind the member that he is allowed to touch on other issues but that he has to keep to the subject matter of the bill.

Mr MULDER — On that matter, I support the bill, and I support the proposed amendment. I suggest to the Chair that if he has a look back over the rest of the debate he will see that he and Chairs in the past have allowed other members to talk freely on matters associated with the bill.

The ACTING SPEAKER (Mr Ingram) — Order! I cease to hear the member.

Mr SEITZ (Keilor) — I rise to support the Bushfires Royal Commission (Report) Bill and in particular to congratulate the government on acting so quickly to introduce this bill at the same time as it announced the establishment of a royal commission,

particularly when the opposition was clamouring for a royal commission or a permanent crime commission to be set up. There was a need for a royal commission, and the government acted very swiftly.

Clause 1 sets out the purpose of the bill, which is to make provision for the publication of a report of the bushfires royal commission. That is the prime purpose of this bill.

Clause 2 sets out when the provisions of the bill come into operation and provides for the bill to come into operation on the day after it receives royal assent. Clause 4 provides a process for the publication of a report of the bushfires royal commission, and goes on further. This is a narrow bill, but it is important for the community, the members of this house, the people who have been affected and also the people who have donated so generously.

In my area people are very interested in seeing what comes out of the commission's report. The generosity that people have shown and are continuing to show in fundraising activities — —

The ACTING SPEAKER (Mr Ingram) — Order! If the member for Keilor has been listening to my previous comments, he will note that he has to confine his comments to the bill.

Mr SEITZ — I will refer back to the bill, Acting Speaker. As I said, the purpose of the bill is to make provision for the publication of a report of the bushfires royal commission. Clause 4 provides for a copy of the report to be given to the Clerk and for it to be deemed to have been ordered by the house to be printed. This is an important step that will get the report out as quickly as possible once the royal commissioner has submitted his report to the Governor in Council. That is welcome, because the sooner we get the report, the sooner the public will know about its contents. Needless to say we must not rush the royal commission as it carries out its due process. It was given a very broad function to carry out its inquiry and produce its report.

With those few remarks, I commend the bill to the house. I look forward to the commission's recommendations being fully considered by the government of the day and to the departments implementing those recommendations wherever possible.

Mr THOMPSON (Sandringham) — The primary purpose of the Bushfires Royal Commission (Report) Bill 2009 is to provide for the publication of a report of the bushfires royal commission. In Victoria's history there have been a total of 158 royal commissions since

1856, and they have explored a variety of issues affecting Victoria. Within that context of 158 royal commissions, this is but one that deals with bushfires — a previous one that also dealt with bushfires was in 1939. There have also been significant inquiries dealing with many of the background issues that affect government administration today, including the provision of water; education; public health and other matters. A royal commission provides a very important process whereby people from around the state can make submissions and convey their ideas, and a number of people from the Sandringham electorate have written to my office conveying their ideas.

The royal commission established under the letters patent will enable people to have their views and submissions reflected in the publication of a report of the bushfires royal commission. That is a great thing whether you live in Gippsland, the immediate affected areas of Kinglake or outer Melbourne, or whether you have been affected by the previous fires in the Grampians or north-east Victoria. There are people across the state who have considered views on fire management and how the processes can be improved. The 1939 bushfire inquiries were conducted by a fellow by the name of Stretton, and a lot of forest practice management was the product of his work.

The ACTING SPEAKER (Mr Ingram) — Order! I am allowing members to touch on other issues, but they need to confine their remarks predominantly to the subject matter of the legislation that is before the house.

Mr THOMPSON — The purpose of the bill is to make provision for the publication of a report of the bushfires royal commission. I would not be surprised if in that report people like Professor Mark Adams, one of Australia's leading foresters, were to have their views replicated. In the paper *Intergenerational Equity in Fire, Water, Carbon and Biodiversity* Professor Adams noted that:

... the practices of forest and fire management that were derived in part from tragedies such as the 1939 Black Friday fires in south-east Australia — —

The ACTING SPEAKER (Mr Ingram) — Order! I remind the member that the bill is very specific. The second-reading speech is very short. The bill is about the tabling of the report of the royal commission. While other members have touched on other issues, I and the Speaker before me have attempted to keep members focused on the subject matter of the bill. It is not possible to discuss in detail issues that may come up during the royal commission.

Mr THOMPSON — As I indicated earlier, this is one of a number of royal commissions that have been conducted in Victoria, the reports of which have been lodged in this place as well. I envisage that the matters that not only I but other members in this chamber would like to comment on will be reflected in the report that will be lodged in this chamber in due course.

There are a couple of definitions in the bill. ‘Bushfires inquiry’ is defined as ‘the inquiry conducted by the commissioners in accordance with the letters patent’. One of the great things about a wide-ranging inquiry under a royal commission is the breadth of source information that can contribute to the process as well as the objective recommendations that will be included in the report to be lodged in this place.

The commissioners have been appointed under section 88B of the Constitution Act 1975 by letters patent. Bernard Teague is the chief royal commissioner in relation to this particular inquiry. ‘Letters patent’ refers to the letters patent dated 16 February 2009, which were written a matter of days after the bushfires and published in the *Government Gazette*.

Clause 4 of the bill deals with the publication of a report, and the opposition expressed concern about the time delay of 10 days. The abridgement of that time will accord with the principles accompanying the lodgement of other reports in this place. Clause 4(4) states:

The publication of a Report in accordance with this section is absolutely privileged and the provisions of sections 73 and 74 of the Constitution Act 1975 and of any other enactment or rule of law relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the Report as if it were a report to which those sections applied and had been published by the Government Printer under the authority of the Parliament.

The ‘absolutely privileged’ aspect is important because it will mean that the commissioners can take evidence without fear or favour, reflect upon it and make recommendations that will enable forest management in Victoria to be better conducted.

I will not draw the Chair further on these matters because there will be opportunities to comment on the bill and the report at another time, certainly when the report is lodged. However, I think that the knowledge of the report process and its publication in this place will be of great encouragement to many of my constituents including Mr Heale and Mr Bateman, who have made representations to my office regarding what they think would assist forest management and protect lives for the future.

Mr LIM (Clayton) — I join my colleagues on this side of the house to commend the Bushfires Royal Commission (Report) Bill 2009. This bill is terribly important, and I wish to make a statement to say so. It contributes to the recovery from Black Saturday by readying the state for future bushfire seasons. We all hope this will never happen again.

In the Westminster system the tradition of tabling documents in Parliament is an important one for several reasons. It provides a forum in which documents will be put into the public domain and be subject to media and public scrutiny. The tabling of such reports and other documents is a key component of accountability of the executive to the Parliament, which this government is very much on about.

In saying that, Acting Speaker, it would be remiss of me not to say that the Premier is probably one of the best examples of our new leadership at a time when there is a need for one; I think the media has publicly made note of his very special leadership, and this bill is part of his action in ensuring that the bushfires royal commission has come into being.

Also a critical purpose of tabling documents is that they attract absolute privilege under common law. This protects the author and others involved in the publication of the document from defamation proceedings. There is an overriding public interest that those commissioned with conducting investigations or preparing reports are able to do so fully and without fear or favour.

Traditionally the publication of parliamentary documentation prior to its tabling in the house would have been considered a discourtesy, if not a downright contempt of Parliament. In more recent times this practice has been relaxed to allow the tabling of some documents and reports outside of when the Parliament is sitting. This probably reflects the greater immediacy of the media, including the electronic age we now live in.

I understand there is agreement now, with the amendment proposed by the Leader of The Nationals, on clause 4, so I am not going to go down that track and say too much. But I would say that the timely release of the royal commission report, whether or not Parliament is sitting, is very important, and it is our responsibility to expedite the publication of the report rather than insist upon the tradition and form which we inherited from 19th century England. I have already questioned many of the other practices in this place in this, the 21st century.

The overriding imperative is to ensure that the community continues to be engaged and that emergency and essential services that protect it have every opportunity to draw on the report in preparing for the next bushfire season. This is our first and foremost responsibility as elected representatives.

There is another major reason for ensuring the bushfire inquiry report is published at the earliest possible time — that is, the enormous community interest not just in Victoria but throughout the whole world, which is watching and waiting for that report. By ‘community interest’, I mean something much deeper and more profound than just a general public interest to know; as I said, the whole world is watching us.

The tragedy of Black Saturday has devastated entire local communities. Many families are still struggling to understand the loss of lives and property. Grieving will continue. I hope the inquiry will give some sense of understanding to those directly affected and assist them in their grieving.

There is also broad community interest. I cannot recall a time when there has been greater concern and support throughout the state and beyond. Volunteers have contributed enormously and selflessly. Victorians have been enormously generous in their contributions and donations —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Clayton should keep his comments —

Mr LIM — I think I know what you are going to say, Acting Speaker; with that remark, I commend the bill to the house.

Mr BROOKS (Bundoora) — It is a pleasure to be able to contribute to the Bushfires Royal Commission (Report) Bill 2009. At the outset I say that I intend to keep my remarks close to the content of the bill. It has been noted that a number of members have been brought back to the contents of the bill, so I intend to stick to the bill as much as possible. There was an extensive condolence motion in this house on the tragic bushfires, and I think members then had the opportunity to pay their condolences and to talk about the impact of the bushfires.

The royal commission itself, with sweeping powers and a reference that allows it to investigate any matters it thinks are appropriate, means that all of these issues that people are keen to discuss will no doubt be considered in the appropriate forum at the appropriate time.

This bill, which has as its major purpose to make provision for the publication of a report by the bushfires royal commission, has been considered by the Scrutiny of Acts and Regulations Committee, of which I am a member. Members who read the *Alert Digest* which was tabled this sitting week would be aware that the committee considered the bill and made no substantive comment about it as it affected the terms of reference of that committee, which is supported by very capable executive staff, I must say.

Clause 4 has attracted most of the discussion in the house today and indeed, last night. Clause 4(1), as the bill stands unamended, essentially stipulates that the minister on receipt of any reports from the commission or the commissioners must make the reports available to the Parliament within 10 days. It is obvious that the government intended that as a limit on when the report must be presented to the Parliament and essentially made public, as opposed to what has been put by members of the opposition — that it was somehow a 10-day delay. It is important to make that point quite clearly.

The government has established a royal commission with sweeping powers. It has been very quick to act in establishing that commission and then in this bill, for the first time in recent memory, in making arrangements for the tabling and making public of a royal commission report or reports setting a time limit, that it would take no longer than 10 days for the minister to table that report. I think that is a good thing. I do not think there is any great opposition to supporting the amendments that have been circulated in the house by both the Attorney-General and the Leader of The Nationals, because in the end I do not think this government is going to take very long to make those reports available to the Parliament and to the people of Victoria.

As I say, every action that this government has taken so far on this particular matter has been one of openness and trying to engage the Victorian community, and certainly steering away from the politicisation of this very tragic event.

Clause 4(4) in essence ensures that privilege is attached to the report or reports that are provided according to sections 73 and 74 of the Constitution Act 1975. Those sections are almost identical to the ones that were contained in the legislation that contained similar objectives in relation to the Metropolitan Ambulance Service Royal Commission and the Longford Royal Commission. As other members have noted through this debate, both those royal commission reports were tabled almost immediately by the various governments

of the time, so I think there is a track record there from previous governments that royal commission reports, when they are made available to the government, are tabled relatively quickly.

One point I wanted to take up in debate, I think last night, was in relation to a point specifically raised by the Leader of The Nationals. I will read from *Daily Hansard* so that I do not paraphrase the Leader of The Nationals; I should say I do not think the Leader of The Nationals was being anything other than genuine in raising his concern, but I think it was incorrect, nonetheless. He said:

The question stands as to why would it be that this 10 days provision was inserted in clause 4? Why would it be that the government would choose to depart from the established precedent which it had adhered to in the Metropolitan Ambulance Service Royal Commission and which had in turn followed the inquiry into Longford? Why had the government chosen to depart from that historical precedent?

He went on to quote the Premier's second-reading speech:

However, it is possible the commission may complete a report during a period when Parliament is not sitting, meaning that the usual process for publication and attachment of privilege would be unavailable.

The Leader of The Nationals went on:

What I do not understand about the nexus between that aspect of the second-reading speech and this bill is that the position contemplated by the Premier was never going to happen. I say that because the government, as we know, controls the sitting days of Parliament; it decides on what days we sit. The terms of reference for the royal commission specifically provide for the interim report to be delivered on 17 August, which is a scheduled non-sitting day. We therefore know with absolute certainty that the government decided that the report arising from the royal commission would be provided on 17 August.

He made that point essentially to ask, if the interim royal commission report is to be provided to the government on 17 August, why would we have that provision of 10 days in clause 4? I think the mistake that has been made here by the Leader of The Nationals is one of assumption, in assuming that the report would be provided on 17 August. It may well be that that is the case, but the letters patent clearly say that the interim report must be provided, I emphasise, by 17 August. It is not likely but it is possible that the royal commissioners may find there is a matter of urgency that requires the government to act well in advance of that 17 August deadline. Given that Parliament is only sitting for three days in the month of July, it is entirely appropriate for this government to try to make provision for the reports to be tabled in Parliament and made public should that occur.

I do not think there is any great conspiracy here on the part of the government. I think it is trying to act in the best interests of Victorians to make sure these reports are made available. But as I said, if the amendments that have been put forward are supported, I do not think it will make any great difference because I think the government will act to make those reports public as quickly as possible, given that the sections of this bill that would provide privilege to the reports that are provided by the royal commissioners are carried. All members in this house hope that the royal commissioners are able to provide full reports that will go to providing some information and answers to the Victorian people and to the Victorian government in terms of how it can help to avoid the disastrous circumstances we went through very recently. I commend the bill to the house.

Debate adjourned on motion of Ms MORAND (Minister for Children and Early Childhood Development).

Debate adjourned until later this day.

FAIR TRADING AND OTHER ACTS AMENDMENT BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr BATCHELOR (Minister for Community Development).

Mr O'BRIEN (Malvern) — The Fair Trading and Other Acts Amendment Bill primarily seeks to amend the provisions of the Fair Trading Act dealing with unfair contracts. These provisions, in part 2B of the original act, have a significant impact on the rights of consumers but also on the operation of business in this state. It is therefore disappointing to note that the bill contains a number of flaws and areas of serious concern which could potentially have the effect of making it more expensive and difficult to conduct business in Victoria, as well as moving Victoria away from nationally agreed consumer policy frameworks.

Many of these flaws could have been avoided had this government engaged in meaningful consultation with those industries to be significantly affected by the provisions in this bill. Unfortunately, despite the significant changes that the bill seeks to make to unfair contract laws, the government's consultation has been inadequate or, in one extraordinary case, non-existent. It is for these reasons that during the course of the debate I will be moving a reasoned amendment to this

bill setting out some of the flaws in it and the remedial action the opposition believes the government should now undertake.

Other provisions of the bill seek to amend the Residential Tenancies Act to prohibit misleading representations regarding affiliation with schools or educational institutions and to make consequential amendments to a number of acts following the Relationships Act 2008. The opposition does not oppose these measures.

Turning to the bill, clause 3 updates the definition of 'officer' to refer to the definition in the Corporations Act 2001. This is obviously a fairly straightforward and sensible provision.

Clause 4 is a very significant part of this bill because it seeks to bring consumer credit contracts within the scope of part 2B of the Fair Trading Act, which deals with unfair contracts. To this point consumer credit contracts have not been subject to that regime. This bill seeks to change that position. As a principle, the application of unfair contract terms to consumer credit is not something with which this side of the house necessarily disagrees, but if the states are moving towards uniform national laws and this takes Victoria outside those uniform national laws, that is a real concern.

I pause to note that the importance of uniformity of credit laws is something that has been embraced not only on this side of the house but also on the other side of the house for quite some time. I refer honourable members to an answer to a question without notice on 6 May 1992. A question was asked of the Honourable T. C. Theophanous, who was then Minister for Consumer Affairs. To paraphrase his answer, the minister said the introduction of a uniform credit bill would result in significant benefits for consumers and would in many ways increase competition in the industry.

The minister also noted:

... the process of developing uniform credit legislation around Australia has been going on for approximately six years.

I note at this point that this was a 1992 question, so if it was going on for six years in 1992, it has obviously been a very long road. The minister went on to say:

It is important to try to achieve uniformity not only because there are significant differences in the credit control legislation of the states but also because, in most instances, that legislation does not cover all forms of credit. The principle behind seeking uniformity is to agree on legislation

that will cover all forms of credit and provide uniform conditions and protections for the industry and consumers.

That is something with which this side of the house wholeheartedly agrees. Uniform credit legislation is essential. It is good for consumers, it is good for industry. Credit these days is a nationwide product; it is not a Victorian product or a New South Wales product or a West Australian product. We need to have uniform national laws. So why, I ask rhetorically, would this government with this bill seek to take Victoria outside what has been a very long movement towards uniform national laws?

In that regard I raise with the house the views of the Australian Bankers Association. You would think that in measures involving consumer credit this government would have had the wit to consult with providers of credit. You would have thought this government would consult with the Australian Bankers Association. However, the advice that has been passed on to me by the Australian Bankers Association is that there was absolutely no consultation with the ABA on this bill.

One may ask: what is the government thinking? We are in the middle of a global credit crisis. Lending institutions are being very cautious about where they are sending their money. Do we really want to make it harder for lenders to lend money in Victoria to Victorian businesses? I would have thought not. I would have thought it might want to contact and consult with the bankers before it makes major changes to credit laws, but apparently this government believes it knows better.

I will extract some comments provided to me by the ABA. It said:

... the ABA is very strongly opposed to the provisions of the bill that will lead to the unfair contract terms provisions of the Fair Trading Act being extended to cover consumer credit contracts ... at a time when COAG has agreed that the regulation of consumer credit should be transferred to the commonwealth and that commonwealth Treasury is currently engaging with key stakeholders accordingly.

The ABA went on to say:

If the bill is passed —

these are not my words; these are the words of the ABA —

Victoria will be stepping outside agreed national policy outcomes. This type of individualistic state approach to regulation was identified by the Productivity Commission as contributing additional costs and compliance difficulties for nationally operating organisations and leaving consumers with a patchwork of consumer protection regulation nationally.

The Victorian approach in this matter can be compared with its approach in relation to electronic conveyancing where Victoria went ahead on its own with a Victorian-based system at the reputed cost of \$50 —

I take that as a typo; that should be \$50 million —

while a national project is under way for development of a single truly national electronic conveyancing system.

The Australian Bankers Association has said that if this bill is passed it will take Victoria outside agreed national policy outcomes. Would the government know about this? If you do not ask the credit providers about credit legislation, you may not. Maybe the government has been blind; maybe it has been wilfully blind. But I would certainly look forward to the minister explaining why there was this apparent failure to consult with the Australian Bankers Association on this legislation and why, according to the people who provide credit, this bill will take Victoria outside a national uniform approach.

I now turn to the key concerns of the ABA, where it says that Victoria departs from the national model. A communiqué was issued by the Ministerial Council on Consumer Affairs from its meeting on 15 August 2008. The communiqué notes:

... the Ministerial Council on Consumer Affairs ... agreed a series of proposals for far-reaching consumer policy reform.

The MCCA agreed it would:

develop enhanced national approaches for Australia's consumer policy framework, drawing on the final report of the Productivity Commission ...

That report is the *Review of Australia's Consumer Policy Framework*, issued by the Productivity Commission on 30 April 2008. Further, in the communiqué the ministers set out what, as part of the proposed consumer law, the features of unfair contract terms should be. One of the dot points is that an unfair contract remedy:

... could only be applied where the claimant shows detriment, or a substantial likelihood of detriment, to the consumer ...

According to the Ministerial Council on Consumer Affairs, the fact that detriment actually exists is essential to a national unfair contract term. But when you look at Victoria's unfair contract laws you see there is not necessarily an absolute requirement. I will again quote the ABA. It said:

The commission —

that is, the Productivity Commission —

recommended an ex-post approach where consumer detriment would be an ingredient of relief whereas the Victorian model is ex ante so that a contractual term may be adjudged unfair per se without evidence of detriment thereby giving the regulator power to look into the contractual terms of businesses both large and small irrespective of whether there is evidence of consumer detriment.

Certainly the view of the ABA is that the Victorian model of unfair contract laws is out of sync with what has been agreed nationally through the Council of Australian Governments (COAG). As a consequence of that, applying the unfair contract law to credit contracts is extending that lack of uniformity into a completely new area.

The Council of Australian Governments met again on 2 October 2008. In its communiqué it said:

COAG also agreed to a new consumer policy framework comprising a single national consumer law based on the Trade Practices Act ... drawing on the recommendations of the Productivity Commission and best practice state and territory consumer laws, including a provision regulating unfair contract terms.

The Productivity Commission's recommendations were to be the basis. The government may say that it believes Victoria has best practice, but as I think a pertinent example provided by the bankers association shows, when Victoria goes one out against what all the other states are doing — as it has done with electronic conveyancing — the chances are that it will cock it up. Why would you make it harder at this time for credit providers to provide credit to Victorian businesses? Why would you give the banks and lending institutions an excuse to turn off the tap in Victoria?

The concerns expressed by the bankers association should be listened to and taken seriously by this government, and it should respond to them. This is not some little legalistic argument over contractual terms; this is the people who provide the credit that keeps the economy going in Victoria saying, 'We are very concerned about this; this will increase costs and increase complexity'. You would think members opposite would take that seriously, and I urge them to do so.

Clause 5 of the bill removes the element of 'good faith' in the Fair Trading Act from the definition of 'an unfair contract'. This is contrary to the direct recommendations of the Productivity Commission. I remind the house that the Productivity Commission's recommendations have been agreed as the basis for a national unfair contract law. Recommendation 7.1 of the Productivity Commission report I have previously referred to says:

The commission's preferred approach would have the following features:

The relevant part is:

a term is established as 'unfair' when, contrary to the requirements of good faith it causes a significant imbalance in the parties' rights and obligations arising under the contract;

The Productivity Commission's preferred approach specifically states that the unfairness must be contrary to the requirements of good faith. But with this bill the government is deleting that very provision from Victorian law. It almost seems as though, having seen what the national template is going to be, the Victorian government is going out of its way to now try to walk away from that agreed national approach. It is just extraordinary.

The government has said there was a judge — Justice Morris, who is well known to members of the government — who said in one case that he felt that the good faith requirement was simply adjectival and did not have any real application. That is one judge's view. I am not going to pick on Justice Morris, but he has previously had his rulings overturned. One I am familiar with is the decision he made in relation to the location of pokies in the shire of Macedon Ranges. That decision allowed the pokies to be located in the shire despite the objections of the council and local community members.

The matter went to the Court of Appeal, and Justice Morris's ruling was found to be wrong. We cannot say that one judge coming to a view and making what we lawyers call obiter dicta comments in his judgement should be the basis for removing a provision from the legislation contrary to what has been a uniform national approach. It makes absolutely no sense whatsoever. I ask the government to consider why it wants to walk away from the uniform approach recommended by the Productivity Commission simply on the basis of one essentially throwaway comment of a single judge.

I note that that matter has also been criticised by industry groups. I refer to comments made by the Master Builders Association, which advised that:

... (the removal) —

of the good faith requirement —

is also of concern of Victorian builders. There has been no solid reason provided to support its removal and consequently, we oppose this amendment.

Clauses 7 to 9 of the bill will enable the director of Consumer Affairs Victoria, but nobody else, to apply for relief under part 2B of the act in the County or

Supreme courts. This is a matter which has caused great concern to the industry. I refer again to comments made by the Master Builders Association:

... changes in this area have the potential to cause serious problems within the building industry.

The Housing Industry Association stated:

HIA is concerned that the director's discretion to commence part 2B proceedings in a higher court may attract unnecessary delays and further costs associated with the resolution of dispute.

We can even refer to the Law Institute of Victoria. You might think the Law Institute of Victoria, representing solicitors as it does, might think that the more cases that are run in the higher courts the better it will be for its members, because generally the higher the court in which a matter is being heard the higher the fees you can charge. But what does LIV say about this? It says:

The LIV opposes the proposed change in its general current form ... the LIV is of the view that more details and guidelines relating to such a discretion ought to be released for discussion. A wide general power is not considered appropriate.

Furthermore, the LIV notes that the VCAT —

Victorian Civil and Administrative Tribunal —

is intended to have the expertise to expeditiously deal with consumer affairs issues. Escalating such matters to the County or Supreme Court jurisdiction may have an adverse impact on access to justice and the costs of litigation. This would be an undesirable and avoidable outcome.

You have the Housing Industry Association, the Masters Builders Association and the Law Institute of Victoria all saying that this is not a good move.

I also note that the government has indicated it believes the director of Consumer Affairs Victoria should have the ability to institute these proceedings in any court that the director chooses because there might be a test case involving a very high principle of law which the government or the director wishes to have adjudicated quickly. There are two things I would say to that. First of all, that attitude is a complete slap in the face for VCAT. Who is the president of VCAT? It is a justice of the Supreme Court of Victoria. Who are the vice-presidents of VCAT? They are judges of the County Court of Victoria.

If the government or the director of Consumer Affairs Victoria wants to have an issue dealt with by a senior judicial figure in the state, the director can still bring the proceeding to VCAT, because if it is heard by the president, it is heard by a judge of the Supreme Court, and if it is heard by a vice-president, it is heard by a

judge of the County Court. It is absolute nonsense for the government to say the only way points of law can be dealt with at a high level is by going directly to the Supreme Court or the County Court. As I said, it is a slap in the face for VCAT for the government not to acknowledge that there are senior experienced judicial members who have presidential positions at VCAT.

The second thing I would say to that claim is that when the Australian Taxation Office decides it wishes to pursue a technical issue in the courts it has to have a case to test it out on. It will often choose a taxpayer whose circumstances the tax commissioner finds interesting and whose case the commissioner thinks is going to be a vehicle to work out whether the ATO's ruling on an issue is right or not.

Rather than just saying to some poor individual or some poor small business, 'We are going to take you through the Supreme Court, the Federal Court or even the High Court of Australia to prove this point of law', the tax commissioner has got a fund, and the tax commissioner funds the defence of the taxpayer. The tax office says, 'We want to make sure we get a proper ruling on this, so we will fund your legal costs so that you can have legal representation without being out of pocket, and at the end of the day the public will be better off by having had a definitive discussion and ruling on this point of law'.

But when the director of Consumer Affairs Victoria wants to have a point of law decided by a higher court they pick a small business or an individual and say, 'Sorry mate, you're on your own. We have got all the legal resources and financial resources of the state backing us, but you've got to fund this yourself'. That is absolutely wrong. It is completely at odds with what has been regarded as the fairness process that the federal commissioner of taxation goes through in these circumstances. If this government had any regard at all for individuals and small businesses, it would say that if the director of Consumer Affairs Victoria wants to pursue these matters in higher courts for some sort of higher purpose, they should be making sure that the poor person on the other side is not out of pocket. It could destroy someone's life. A person could lose their house or their business because the director of Consumer Affairs Victoria wants to pursue a legal issue in a higher court for their own purpose. That is not right. It is on that basis that I desire to move:

That all words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until all stakeholders are properly consulted and serious inherent problems with the bill are resolved including:

- (1) inconsistency with agreed Council of Australian Governments policy framework on uniform consumer credit law and unfair contract terms; and
- (2) the lack of guidelines concerning the exercise of the director's discretion to initiate proceedings in the County or Supreme courts, including where test case funding should be made available to affected parties.

It is extremely important that this government recognises that giving this huge power to the director of Consumer Affairs Victoria with no countervailing protection for the parties on the other side is just unfair and wrong. The government should look at this reasoned amendment and act on it, because that is the only way to give businesses and people caught up in this law any sort of confidence they will not be treated unfairly by the director.

It is also worth noting that the government gives power to institute these proceedings in higher courts only to the director of Consumer Affairs Victoria. There is no capacity for anybody else in Victoria to do that. If you are going to give the director this elevated position and say only the director can institute these proceedings in the higher courts, surely the quid pro quo must be that the party on the other side is not unfairly and unreasonably out of pocket because the director has made a decision to go to a higher court.

I move to clause 10 of the bill, which creates a presumption in any proceeding under part 2B that, unless the contrary is established, a contract is a consumer contract. This reverses the evidential burden. Again there have been industry concerns expressed about this. The Housing Industry Association has said:

The introduction of a presumption that a contract is a 'consumer contract' is strongly opposed by HIA. The party making an allegation under part 2B should bear the onus of proving the threshold requirements of the action. The presumption represents a reverse onus of proof that is inherently unfair when compared against the prosecuting position of the director as a regulator.

The Law Institute of Victoria has also expressed concerns. It has stated:

The LIV proposes that provisions be inserted to clarify the circumstances under which such a presumption can be rebutted. It is important to thoroughly qualify the circumstances to which a deeming provision such as proposed in this instance, be engaged.

Clauses 10, 11 and 12 of the bill deal with giving the courts and tribunals the power to issue so-called non-punitive publicity orders. Given that under the act the test for issuing a non-punitive publicity order is exactly the same as issuing what is by default a punitive publicity order, members would therefore see this as

being a fairly pointless distinction. Nonetheless it is not actually objectionable, so we will not take objection to it.

Clause 13 deals with antivedestiture powers. This is where a court or tribunal has the power to be able to prevent a party from moving its assets during the course of litigation so as to avoid frustrating a judgement. Again I want to place on record the concerns of the Housing Industry Association, which has stated:

HIA ... is concerned that the proposal may pose a risk to the commercial viability of a business subject to litigation under the FTA ...

...

... HIA is concerned that the threat or imposition of such an order could result in duress, forcing a settlement on unjust terms.

I think that is something the government should take some note of. I also note that the Law Institute of Victoria has also expressed concern about this provision in a letter to the government.

Clause 15 deals with increasing the amount of compensation payable for humiliation or distress where a person is found guilty of an offence under the act. It is a tenfold increase in the amount payable. The penalty goes from \$1000 to \$10 000. I asked the minister if this maximum payment has ever been made before, and he replied in writing:

Yes, in the Magistrates' Court in *Director of Consumer Affairs Victoria v. Darren Leslie Millar*, the maximum penalty under section 160 was imposed.

If there has been only one instance of this maximum being awarded, where is the need demonstrated for an increase of this magnitude? I think the answer is, 'Nowhere'. Concern has again been expressed about this issue; I again quote the HIA:

HIA is most concerned that the increase —

that is, the increase in compensation —

could lead to an increase in frivolous claims and/or litigation.

No doubt plaintiff law firms that make large donations to the government party will be rubbing their hands together at this amendment, but beyond that it is very difficult to see who is going to benefit.

Before I leave that aspect of the bill I should sum up that part of it by making reference to some further comments by the Master Builders Association which provide a general view that has been expressed by industry. I quote:

It is our belief that the proposed amendments ... will ... create a more difficult business environment for Victorian builders if they are adopted.

...

It is our belief that —

the proposed amendments —

will not only increase costs for builders, but they will also result in making building activity in Victoria more complicated. As a result, we do not support the passage of this bill.

The banking industry has put the government on notice that it did not consult, that it is stepping outside uniform guidelines and that it has not got it right. The construction industry is saying that this is going to increase costs and increase difficulty for doing business in Victoria. The government should really consider whether it has got it right. I think it has not, which is why I have moved the reasoned amendment.

I turn to the other less central aspects of the bill. Part 3 amends the Residential Tenancies Act. Clauses 17 to 21 provide for offences to be created for the misrepresentation that the owner or operator of residential premises has a formal affiliation with a school or college of education. That is a sensible measure, because having a formal affiliation with a school or college of education can mean that certain rights that otherwise exist for tenants under the Residential Tenancies Act do not operate, and it is important that consumers are not unfairly persuaded that they do not have rights which they in fact do have.

Part 4 of the bill deals with amendments to the consumer credit laws. It delays the introduction of an enhanced credit provider registration scheme. This scheme was approved by Parliament just last year. However, the government has advised that with moves to have the commonwealth take over regulation in this field, there is no need for the introduction of this EDR (external dispute resolution) scheme. However, the government advises that just in case the transfer of regulation of credit to the commonwealth does not proceed, the introduction of the EDR scheme is being delayed rather than repealed.

I have noted the concerns of the opposition and of industry, and I have moved my reasoned amendment. If the government is serious about creating the best environment for business to continue to employ people in Victoria, it will take the concerns that have been expressed seriously, and it will — as the reasoned amendment proposes — withdraw the bill, consult with industry, have a national approach to consumer credit laws and ensure that small businesses and individuals

are not unfairly treated in battles with the director of Consumer Affairs Victoria.

Ms BEATTIE (Yuroke) — I am disappointed to hear that the opposition will not be supporting the bill, the objectives of which are to make amendments to the Fair Trading Act 1999 to strengthen the enforcement capacity under the act, amend the definitions in the act and apply the unfair contract term scheme in part 2B of the act to credit contracts; importantly, to strengthen protection for students under section 21 of the Residential Tenancies 1997; and to amend the Consumer Credit (Victoria) and Other Acts Amendment Act 2008 in line with national developments in the transfer of credit regulation to the commonwealth.

The objectives of the bill are, as I said, to strengthen enforcement capacity and update the definitions in the Fair Trading Act. The bill will enable Victorian courts to make non-punitive orders requiring corrective advertising to take place. A good example of that would be an order to dispel misleading impressions. The bill will ensure that the court can make orders prohibiting a person subject to litigation from divesting his or her assets or property and thereby potentially frustrating a court's judgement. I am sure that everyone in this house is aware of instances where that has happened when somebody has made a claim and suddenly there have been no assets or property left. That has gone on for some time, and I am pleased to see that this bill will give the courts the power to make those orders.

The bill will increase the compensation able to be awarded for humiliation or distress arising from conduct which is an offence under the Fair Trading Act, and it will improve and clarify the operation of part 2B — I will go into part 2B in more detail later — by enabling the director of Consumer Affairs Victoria to choose whether to pursue part 2B proceedings in the Victorian Civil and Administrative Tribunal, as is currently the case, or in the County or Supreme courts for the more substantial matters.

The bill provides courts and VCAT with the capacity to make certain orders, such as an order for a refund or for restitution under part 2B. It also provides that in proceedings under part 2B a contract will be presumed to be a consumer contract or standard form contract to which part 2B applies unless the contrary is established. The bill also removes the good faith requirement from section 32W of the Fair Trading Act, and it updates and amends the definitions contained in section 3 of that act.

I talked about strengthening protections for students under the Residential Tenancies Act. That is really important because today the Premier talked about the importance of international students to the Victorian economy. This has a direct correlation to that.

The bill enables regulations specifying criteria that may be used by educational institutions in determining whether to formally affiliate residential premises under section 21 of the Residential Tenancies Act to be made, thereby exempting those premises from complying with the act. It requires residential premises that are exempt from the Residential Tenancies Act by a recent or formal affiliation with an educational institution to prominently display a notice of exemption in the public or common area; the bill inserts certain offences into the Residential Tenancies Act relating to false representation or engaging in misleading conduct in relation to formal affiliation under section 21.

It applies the unfair contract term provisions to credit contracts, removing the existing exemption for credit contracts from the operation of the unfair contract terms scheme set out in part 2B of the Fair Trading Act and amends the Consumer Credit (Victoria) and Other Acts Amendment Act.

In the brief time I have left I want to talk about some of the points the member for Malvern raised in his contribution. The member was critical of the provision enabling the director of Consumer Affairs Victoria to apply to the Supreme Court or the County Court instead of the Victorian Civil and Administrative Tribunal (VCAT) for an injunction. The proposed amendments will improve the operation of part 2B by enabling the director to run unfair contract terms cases in the Supreme Court, the County Court or VCAT, subject to the agreement of the courts or VCAT depending on which forum best suits the nature and the effect of the conduct in question, and the nature and extent of the relief sought. It is a matter of horses for courses. If it is determined that the matter should be run in the Supreme Court or County Court, then it should be so.

I also note that the director of Consumer Affairs Victoria already has the ability to select the appropriate court in which to obtain civil relief under division 2 of part 11 of the Fair Trading Act. The director has used this provision to seek relief in the superior courts, although I acknowledge that it has been sought sparingly. In answer to some of the other criticisms made by the member for Malvern, I think proceeding with these amendments to the Fair Trading Act will give tens of thousands of Victorian consumers who enter into credit contracts prior to the introduction of the national scheme — for example, mortgages, credit

cards, personal loans, car loans and so on — protection from unfair terms in those contracts.

Particularly at this time in the history of the world and of this state, when we are dealing with a global financial crisis, it may be that already vulnerable consumers, consumers who will take risks on contracts, could be entering into credit contracts that contain unfair terms. All members of the house would agree that we should protect the most vulnerable in society. I am not sure how many vulnerable constituents there are in other seats, such as the Malvern electorate or other electorates, but I know that in my electorate many people suffer socioeconomic disadvantage and are considered to be vulnerable.

I want to protect those who are the most vulnerable in our society from people who may be pushing them to take out extra mortgages, credit cards, car loans or personal loans. I want to protect those people, and most members would want to protect those vulnerable members of our society. These amendments will do that.

It should also be noted that all other financial services, including financial planning, insurance and superannuation, are covered in the unfair contract terms set out in part 2B of the Fair Trading Act. The Council of Australian Governments has confirmed that Australian consumer law will include an unfair contract terms provision, and that provision will apply to credit agreements. In conclusion, these amendments are good ones, but I am really disappointed that the opposition will not support them. I am interested in protecting those in society who are vulnerable, and I am disappointed that those opposite are not so interested.

Mr JASPER (Murray Valley) — I have listened with a great deal of interest to the contribution from the member for Yuroke. In the latter part of her contribution she mentioned the need to protect those who are the most vulnerable in the community. Over the years that I have spoken on fair trading legislation and consumer affairs legislation I thought it was a matter of getting right the balance between the consumer and retailers. We need to protect consumers and make sure they are protected in the activities they undertake in business; but the people who operate a business need to be protected in the retail operations they carry out in Victoria.

I have listened with a great deal of interest to the contribution of the member for Malvern, which pointed to the government's lack of consultation on this legislation with the banking and building industries. He also mentioned the feedback he has received from those

industries in relation to this legislation, which seems to indicate that the legislation should be withdrawn and redrafted to achieve a better balance. I note that in the second-reading speech the minister said:

The Fair Trading Act is Victoria's primary consumer protection legislation.

I accept that we need to protect consumers and make sure that the most vulnerable in our community, as was mentioned by the member for Yuroke, are protected both within the community and when they undertake business activities. However, I come back to what I said at the outset: we need to have balance in this legislation to protect all people who operate in industry. Over the years we have had legislation before the Parliament which sought to protect small business operators to ensure fair and honest operations in the retailing sector, whether that be for consumers or the people supplying them with goods and services.

The legislation needs to be looked at in the total context of what it sets out to achieve. The member for Malvern went into great detail about the legislation and what it is intended to do. The member for Yuroke really just supported the legislation and said, 'We need to go forward. Don't worry about what it is doing. We need to be looking at protecting consumers'. However, we need to get balance in legislation.

The bill sets out to amend part 2 of the Fair Trading Act, which deals with unfair terms and consumer contracts and with credit contracts in particular. However, this legislation will operate in Victoria only and will not provide uniformity across Australia. That is the major concern we have with the amendments proposed to 2B of the Fair Trading Act. The other area of concern is the magnitude of the increase in penalties provided for under section 160 of the act. The penalty payable by a person found guilty of causing humiliation or distress will increase from \$1000 to \$10 000. That is a massive increase in penalty.

The bill provides for a reverse onus of proof relating to some provisions in part 2B of the act. I have always been opposed to the concept of a reverse onus of proof. Another issue raised by the member for Malvern is the removal of the good faith requirement from the legislation. I think that provision should be reviewed and the requirement retained to achieve balance in the operation of the legislation.

The amendments to the Fair Trading Act are inconsistent with the recommendations of the Productivity Commission, which the Council of Australian Governments agreed would form part of national law. I am chair of the Regulation Review

Subcommittee of the Scrutiny of Acts and Regulations Committee, which has various criteria against which it assesses the regulations that come before it. One of the areas where the committee experiences difficulty in rejecting regulations is where they apply to uniform legislation. On many occasions the committee has approved regulations on the basis that they are enforcing or enacting uniform legislation throughout Australia. Here we have the case where the government is proceeding with legislation on the basis that it will suit Victoria but is not the uniform legislation that would be brought forward as a result of the COAG agreement.

I note that in the second-reading speech reference is made to the 2008 annual statement of government intentions, which noted that the Fair Trading Act would be amended to introduce a lemon law to cover motor vehicle purchases in Victoria. You, Acting Speaker, as the member for Mordialloc, were involved in the investigations undertaken in relation to the mooted amendments to the Motor Car Traders Act. I would like the minister to tell us where this fits with the Noel Pullen report, which was prepared in relation to the motor vehicle industry. Noel Pullen is a former member of the upper house and this important report proposed a number of amendments, some of which were included in the legislation we debated in 2008.

However, I would like to get more information about the lemon law and what came out of those consultations. Perhaps the Acting Speaker, the member for Mordialloc, could vacate the chair shortly and explain to us the detail of that investigation and why it has not been included in this legislation. The minister made mention of it in the second-reading speech. The speech states:

The government will use —

the member for Mordialloc's —

report on the motor vehicle lemon law consultations to assist in developing enhanced protection for consumers through the implied terms review and the new national law.

The reference is to a new national law, so obviously the member for Mordialloc looked at this legislation and at what amendments should be made to the Motor Car Traders Act. The second-reading speech states that not only does the report of the member for Mordialloc look at the review of implied terms, it also looks at the new national law. I applaud that. I am not sure what is meant by the 'motor vehicle lemon law', but I would like the Acting Speaker to vacate the chair, explain that term and give us more information.

The critical point for me in relation to this is that we have had the Noel Pullen report, which is a very extensive report prepared following an immense consultation process throughout Victoria. At that time the government did not look to amend the Motor Car Traders Act, but in 2008 it did amend the legislation. Now we have reference in the second-reading speech to the implied terms review and the new national law. Again I suggest that the government is seeking to get uniform legislation, which we will not get with this bill. That is the important point I want to make.

I strongly support the reasoned amendment moved by the member for Malvern, because it says that the bill is inconsistent with the Council of Australian Governments policy framework on uniform consumer credit law and unfair contract terms. It goes on to mention the lack of guidelines concerning the exercise of the director's discretion to proceed to higher courts — the County and Supreme courts. We believe that should be further investigated. It gives a discretion to the director that we think should not be applicable.

At present proceedings can go to the Victorian Civil and Administrative Tribunal but not to other higher courts. It is incumbent on the government to consider the reasoned amendment on the basis of the genuineness with which it has been put by the opposition parties. We believe there should be further consideration on the basis of the flaws we see in the legislation and the opposition to it that has been brought to us by people outside this Parliament that has not been taken into consideration by the government.

If you are going to put new legislation before the Parliament, surely you should have full consideration and full investigation beforehand. The reasoned amendment should be accepted, and this legislation should be reviewed and brought back to the Parliament, where we will consider it on its merits.

Ms KAIROUZ (Kororoit) — It gives me great pleasure to add my brief contribution to the Fair Trading and Other Acts Amendment Bill debate. I say from the outset that I am quite disappointed with the opposition for opposing this bill. I believe the bill should be welcomed and seen as another positive step that the government has made in removing unfair practices for consumers and extending consumer protection laws. I am sure that many in the house have had someone knock on their door or call to speak to them about their rights as a consumer or ask for further clarification and advice about the Fair Trading Act.

The purpose of this bill is to strengthen the enforcement capacity under the Fair Trading Act 1999 and update

definitions in the act. It will enable the courts to make non-punitive orders requiring corrective advertising to take place. It will also ensure that courts make orders preventing a person subject to litigation from divesting their assets or property and therefore testing a court's judgement. We often hear of circumstances where people divest their assets so they will not have to pay damages.

The bill will also increase the compensation able to be awarded if humiliation or distress is caused by breaches of the act from \$1000 to \$10 000. It will ensure that consumers who are parties to credit contracts enjoy protection from unfair contract terms through the application of part 2B of the Fair Trading Act to those contracts.

An interesting amendment to the bill is the removal of 'good faith' from the definition of an unfair contract term. The removal of 'good faith' from the definition will address any ambiguity over the role that good faith plays in the assessment of whether a contract term in a consumer contract is unfair. It will also ensure that where actions are taken under part 2B the focus is on providing the substantive unfairness of the term rather than individual circumstances of a lack of good faith.

Another great aspect of the bill is the strengthening of the protection for students under the Residential Tenancies Act. As we know, students are vulnerable in the housing market. International students come from everywhere but particularly from India and China, and these students are often not informed about their rights. It has been alleged that some student accommodation providers are falsely creating a perception that they have a formal affiliation with educational institutions and are therefore not subject to the requirements of the Residential Tenancies Act.

On many occasions I have heard that student tenants, particularly those who suffer socioeconomic disadvantage, are misled into believing a landlord does not need to comply with the Residential Tenancies Act. As an elected representative I have come across situations of up to 15 students living in a house under horrible conditions and not understanding what their rights are. Hopefully this bill will be able to inform them of their rights and make living conditions much better for students.

The bill will help students living away from home for the first time. Many students leave home at a very young age because they need to go to university or have to travel far to university. I believe the bill will give students better legal protection and better access to

housing support services. It will also protect them from exploitative fees and charges.

In conclusion I support this very good bill, which makes things more transparent and makes landlords more accountable, particularly regarding students and others who are vulnerable. I do not support the reasoned amendment that has been moved by the member for Malvern. I do not think we should delay this bill any further. We need to get into action right away for students and consumers. We need to provide fair practices and let them know what these practices are. We need to let consumers know what their rights are. I support the bill and commend it to the house.

Mr THOMPSON (Sandringham) — Often over the last decade I have heard the Labor Party promise more and deliver less. There is the example of Saizeriya, a Japanese food manufacturing company that sought to have a five-stage manufacturing operation in food processing in Victoria when we had an international competitive advantage, but owing to industrial disruption of the project, the head company decided that rather than continue in Victoria it would shift its operations to New Zealand.

So at a time when jobs are going to be disappearing in this state and industries that are less competitive are going out the door backwards, jobs that Australians could have had in the western suburbs of Melbourne are now only available in New Zealand. The Labor Party seemed to promise more for workers and that they would get a better deal, but at the end of the day they lost out. Likewise there is the example of Electronic Conveyancing Victoria, a scheme whereby Victoria has gone it alone. We have had a system up and running for a substantial period of time, but only one transaction has been processed, and that is because there is not a uniform scheme operating in Australia.

The Fair Trading and Other Acts Amendment Bill does not have the support of the Australian Bankers Association. It will move Victoria out of step with a nationally agreed approach to consumer protection and unfair contracts. It is understood that the amendments are inconsistent with the recommendations of the Productivity Commission, which the Council of Australian Governments agreed would form the basis of the national laws.

This will result in inconsistency in law, increased uncertainty for all parties and an increased cost of doing business in Victoria. This is something the Labor Party has yet to grapple properly with. If you increase the cost of business to the point where operations become

unviable or non-competitive, then the jobs will go offshore.

It was only yesterday that I heard about a major international pharmaceutical company that used Victoria as a production base, but owing to industrial disruption it closed down the Victorian plant and shifted its operations to Spain. The people who have lost out as a result of that are Victorian workers. They have lost out as a consequence of that decision, and I regard that as a tragedy. It takes a lot of effort to create enterprise, and a lot of effort to create jobs, and at a time when we need every job we can find in this state as we are battenning down for very troubled times ahead, Victorians need to note the reasons why jobs were shifted offshore. If there is an increase in the cost of doing business, which is one of the concerns raised by some of the key stakeholders in this area, that will ultimately be to the detriment of Victorian workers.

Another of the coalition's concerns is the removal of the good faith element from the definition of 'unfair contract', which is contrary to the Productivity Commission's recommendations on which the national consumer laws will be based. The shadow Minister for Consumer Affairs has moved an amendment which is an important one. He moved that:

'this house refuses to read this bill a second time until all stakeholders are properly consulted and serious inherent problems with the bill are resolved including:

- (1) inconsistency with agreed Council of Australian Governments policy framework on uniform consumer credit law and unfair contract terms; and
- (2) the lack of guidelines concerning the exercise of the director's discretion to initiate proceedings in the County or Supreme courts, including where test case funding should be made available to affected parties.'

The bill before the house does not have the support of the opposition for the range of reasons alluded to. The opposition has consulted widely on it, talking to organisations including the Australian Bankers Association, the Consumer Action Law Centre, the Housing Industry Association, the Law Institute of Victoria, the Master Builders Association of Victoria, the Tenants Union of Victoria, Residents Retirement Villages Victoria and the Victorian Bar.

In concluding I will just state that the real prospect that this bill will move Victoria away from a nationally agreed approach to consumer protection and unfair contract laws warrants that it be stalled until these concerns can be properly allayed.

Mrs MADDIGAN (Essendon) — I rise to support the Fair Trading and Other Acts Amendment Bill 2008

and also to oppose the amendment moved by the opposition.

I was a little surprised by the comments made by the member for Sandringham, who at one stage said there had not been any consultation in relation to this bill, which of course is not correct. There certainly has been consultation, but it does not mean that every stakeholder agrees with every clause of the bill. To suggest that further debate on the bill should be postponed until there is agreement might mean that consumers are left unprotected in the ways they are now for a very long period of time, because there is certainly no indication that agreement would ever be reached on some of the specific provisions.

I suppose if you look at consumer protection you could say that any bills brought into this house that increase consumer protection may have a negative effect on people you are protecting the consumer from. Obviously not everybody in the community is going to agree with the provisions of a bill and then an act. This work has been done over a number of months. As the opposition itself mentioned, the bill was introduced into this house last December, so anyone who wanted to consult with stakeholders has had more than three months to do so. In no way then can there be any suggestion that the government has attempted to move this bill through the house in an unreasonably quick time. There has been ample opportunity for people to discuss its terms and find their way through it.

The bill amends three acts: the Fair Trading Act 1999, the Residential Tenancies Act 1997 (RTA) and the Consumer Credit (Victoria) and Other Acts Amendment Act 2008, as well as making some miscellaneous amendments relating to retirement villages et cetera. As other members have mentioned, consumer protection is a really difficult area in lots of ways. When we purchase a product or a service we are all pretty much in the hands of the person who is selling that product or service to us unless we are an expert in that area ourselves. Consumers rely very much on the good faith of the people they are purchasing products and services from, and of course most people selling those things are very honourable people. As with most laws, the laws apply to only a small number of people.

The bill refers to areas where there have been significant difficulties before. The member for Kororoit mentioned the provisions of the Residential Tenancies Act 1997, particularly in relation to students in student accommodation facilities. Victoria is proud of the very large number of overseas students who come to live here and study at our tertiary institutions, but obviously many of them are unaware of the laws and systems in

Australia, and perhaps at times their English is not as good as it could be. These are very vulnerable people who need as much support as we can give them if they are seeking accommodation in a private area.

The amendments in the bill address these issues by introducing three main changes. There is a power to make regulations specifying criteria that must be used by schools or educational institutions in determining whether to formally affiliate residential premises. It is intended that this will provide greater certainty to stakeholders and increase transparency. That gives some guarantee to students and makes them feel a little more confident that the premises they are looking at that are affiliated or linked with an educational institution have in fact been checked by that institution.

The second one is a requirement that residential premises that are exempt from the RTA by reason of formal affiliation under section 21 of the RTA display a notice to that effect. Once again that ensures that students have the capacity to understand the nature of the accommodation they are looking at. It also includes a provision prohibiting student accommodation providers from incorrectly asserting or implying that they are exempt from the RTA provisions by reason of section 21. Penalties for these offences have been set at 300 units, which is significantly higher than for other offences under the Retail Tenancies Act, on the basis that the proposed offences are similar to misleading and deceptive conduct prohibitions under the Fair Trading Act. These offences are, however, tailored to the specific problem of rogue student accommodation providers, so we are seeking here to overcome a very specific problem that has been identified in the community for some time.

Another clause that amends the Fair Trading Act that I wish to refer to concerns the capacity for people to sell up, if you like, their businesses so that they escape any penalty that may have been imposed upon them. That is not an unknown thing to happen in many areas of the law. That excellent provision will ensure that consumers who have had a judgement made in their favour have the right to have that judgement fulfilled.

I should have mentioned in relation to the Residential Tenancies Act that that amendment was a commitment of our government in the 2008 annual statement of government intentions, so it is good that that has been able to meet those government intentions, even though it has taken until 2009 for it hopefully to be passed by this chamber and the upper house.

I think the provisions in this bill will help to give consumers more confidence when they purchase goods

and services. The bill enables people to have protection from rogue suppliers where the provisions apply. I am sure other members have a similar situation to what I have in my office: many people who have entered into various contracts, normally with the best intentions, come to see us; often they do not fully understand the contract they have signed and its legal obligations. Any laws that this Parliament can pass to have people become more aware of their legal obligations in entering into contracts or any protections that we can put in place to prevent people from entering into contracts that may be unfair to them or give them greater responsibility than they believe they are getting into in entering into that contract are to be supported, so I am pleased to support this bill and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to speak on the Fair Trading and Other Acts Amendment Bill 2008. The Nationals and coalition are supporting the reasoned amendment proposed by the member for Malvern.

The purpose of the bill is to amend the Fair Trading Act 1999, the Residential Tenancies Act 1997 and the Consumer Credit (Victoria) and Other Acts Amendment Act 2008 in respect of consumer protection.

There are a number of main provisions, and the bill extends to credit contracts the application of part 2B of the Fair Trading Act dealing with unfair terms in consumer contracts. It also amends 2B to enable the director of Consumer Affairs Victoria to initiate legal proceedings under that part in the Supreme Court and the County Court as well as VCAT (Victorian Civil and Administrative Tribunal); previously the director could only bring proceedings in VCAT.

The bill provides additional remedies for the courts and the tribunal under part 2B and increases the maximum amount of compensation for humiliation or distress payable by a person found guilty of an offence against the act from \$1000 to \$10 000. It also reverses the onus of proof.

Courts and tribunals are empowered to order non-punitive or corrective advertising as well as to make adverse publicity orders. The definition of an unfair term in a contract is amended to remove the requirement that it be contrary to the requirements of good faith. Other amendments include prohibiting residential premises owners from misrepresenting themselves as being formally affiliated with educational institutions.

There are a number of areas of concern with this bill. Primarily the amendments are inconsistent with the recommendations of the Productivity Commission, which Council of Australian Governments agreed would form the basis of the national laws. That is a concern because it puts Victoria out of step and, as the member for Murray Valley touched on in his contribution, it brings in a temporary cross-border issue. Victoria will be out of step with other states, which will have an impact on those of us who have cross-border electorates and cross-border businesses. Creating another anomaly is a difficulty when we are meant to be reducing anomalies. There has been some excellent work done recently on some cross-border anomalies. We have just taken a number off the list to add others onto the list.

The Housing Industry Association and the Master Builders Association of Victoria have expressed concern over part 2B, which is the main area being amended and which reverses the onus of proof in the consumer contracts, such as the building contracts. This will have an effect, according to the builders, of increasing the costs of building because they will need to cover this changed risk profile in what they do in their business.

I know we are here to protect consumers, but we need to be mindful that when you change the risk equation, you change the cost equation in the building industry. This is a difficult time for the building industry, and the extra costs could further depress that industry. It could also for a short time drive certain building construction projects across borders, which is to Victoria's disadvantage. The timing of the extra costs is important to the building industry, mostly because we have recently passed amendments to improve house performance in bushfires, and this is adding to the cost of houses in bushfire areas.

Therefore we have a necessary cost increase in the building industry to cover the risks from bushfires and to do a better job with that — and I am sure nobody is arguing with that. However, to change the risk for builders with this consumer law in the same year is going to add further to their cost pressures and perhaps be to their disadvantage.

Out of that, what we are really talking about here is the need to balance. I am sure we all know that the consumer needs to be protected, and largely these laws are going to protect consumers, but we need balance. We need to protect those who are vulnerable. We need to also protect those who are in business so they can manage those business difficulties and those risks. It is a very difficult task, because we all know how

vulnerable some consumers are, and as MPs we have all had in our offices the wreckage that has required these laws. However, at this stage the legislation does not provide balance, and Victoria deserves better with balance on this issue.

That is why we are supporting the amendment to withdraw the bill and do some further consultation on the implementation of this so that we can get that balance right. The Nationals, in coalition, are supporting the amendment of the member for Malvern to have this bill withdrawn for a short period. Let us get it right. Let us make sure that Victorians get the better consumer protection they need without disadvantage to our building and other sectors. Victoria deserves better. The amendment should be supported.

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak in favour of the Fair Trading and Other Acts Amendment Bill. This bill is a sensible piece of legislation which strengthens the operation of markets by ensuring Victorian consumers are well informed and protected.

Consumer law is one of those areas of debate which highlight the differences between political parties in our state. I often reflect upon the words that come forth from opposition members, when it seems that regardless of the actual consumer law being debated they are always in favour of protecting producers ahead of consumers.

These are always very important debates because the protection of consumers and moving beyond a conceptualisation of the political economy as just being about producers is an important shift that has been going on over the last 100 years in Australia and is one on which the Labor Party has played a much more constructive role than the opposition parties.

The bill amends the Fair Trading Act 1999, the Residential Tenancies Act 1997 and the Consumer Credit (Victoria) and Other Acts Amendment Act 2008. There are a couple of aspects of the act that I would like to focus upon. Firstly, the bill extends the operation of part 2B of the Fair Trading Act to credit contracts. These contracts are currently the only consumer contracts which are not subject to unfair contract term provisions of part 2B, and this bill rectifies that situation.

I can find no rationale as to why credit contracts should not be subject to the unfair contract terms of part 2N, and I am sure there are many rogue operators in the credit market, particularly at some of the less reputable ends of it, who would be very keen to ensure that their

contracts were not subject to the unfair contract term aspect of the Fair Trading Act. But there is no reason why this Parliament should in effect extend the right to have unfair contracts, and I am disappointed the opposition cannot see fit to allow this bill to pass for that reason alone.

Further, as has been touched on by previous speakers, the bill amends the Residential Tenancies Act in relation to student accommodation. As members may be aware, student accommodation in certain circumstances is not subject to the Residential Tenancies Act and therefore those who rent student accommodation have in effect less protection under consumer law in Victoria. There are good reasons for that but in my view and the government's view only bona fide student accommodation should be subject to those more liberal laws in respect of residential tenancy. This anomaly is dealt with in this bill by ensuring that schools and educational institutions have to formally affiliate residential premises to get that exemption under the act. This will provide an important protection to students who are renting in Victoria.

As has been touched upon by previous speakers, students play a critical role in the economy in Victoria. The export, in effect, of student services is one of the biggest industries in Victoria these days. People often do not realise how important it is. It was touched upon in question time today in relation to an article in the *Australian* about the critical nature of this industry to our state and our nation.

Further, international students play another role in that they are a great source of skilled migrants. Many students study in Australia and then take advantage of the current migration law to make application under the skilled migration program after the completion of their studies. As people would be aware, there is a demographic crisis, with Australia facing an ageing population. I can think of no better way to bring people into Australia than to have them study, become part of Australian society and then choose to make a commitment to making Australia a better place through committing themselves to live and work within the Australian community. This is another subsidiary role of international students.

It is very important that we do not have people being exploited or having bad experiences, because there is a human capital war going on across the international economy, in which we are in competition with places like Canada, the United States of America, the United Kingdom and European countries for the best intellectual capital in the world. People often choose to settle where they have studied, and if some of them

have had experiences that are negative, if they have been ripped off, if they have been subject to disreputable providers ripping them off in substandard accommodation, this is going to lead to fewer good people choosing to live their lives in Victoria.

Beyond that issue is the simple question of justice: should students be subject to substandard accommodation and have their rights under the Residential Tenancies Act removed by rogue operators who have no real affiliation with educational institutions? I think this is a sensible reform that has an important part to play in building not just the future of our educational system but also our economic and social futures.

Further, the bill enables a court to make an order prohibiting a person subject to litigation under the Fair Trading Act from divesting their assets in an attempt to defeat a potential judgement of the court. This is again a straightforward piece of legislation that deals with an anomaly. I hope no member of this house would support rogues and crooks who, if they are likely to be subject to a ruling of the court under the Fair Trading Act, divest their assets in order to escape civil penalties under that act. That seems to me a straightforward notion. I hope all members of this house would support the rule of law and the principle of people not being able to remove themselves from the rule of law. It is an excellent bill and I commend it to the house.

Ms MUNT (Mordialloc) — I am very pleased to rise today to speak on the Fair Trading and Other Acts Amendment Bill. I would particularly like to address my work on the lemon laws mentioned by the member for Murray Valley. My report on the lemon laws was completed in July 2008. The member for Murray Valley made reference to this report and was asking why its recommendations had not been included in the Fair Trading and Other Acts Amendment Bill 2008, so I thought I would try to shine some light on that question.

Late in 2007 and through early 2008 at the request of the Minister for Consumer Affairs I did extensive consultation throughout Victoria and overseas on the introduction of lemon laws. We travelled throughout rural and regional Victoria and had public consultations in Melbourne. There were many submissions. I met many buyers of cars, many motor traders and the major car manufacturers, and then travelled to America to see how the laws had been introduced and what effect they were having in the United States of America. In the USA they have been in place for over 20 years. Some of the strictest lemon laws in fact are in California — the home of free enterprise — which surprised me.

Mr Stensholt — Lots of lemons in California!

Ms MUNT — There are lots of lemons in California, the member for Burwood said. There is actually an established percentage of lemon cars in the USA, which is about 1 per cent, under the criteria put in place under the lemon laws there. I suppose there would be a smaller percentage here because our motor manufacturers are so skilled at making cars.

The basis for this investigation was that the second-largest investment that most people make in their lives after their home is their vehicle. It is a major investment and when things do not go right it causes terrible trouble for those consumers. We looked at the criteria that were in place in a number of states in the USA — so many unsuccessful repair attempts over a certain amount of time — and then the mechanisms that were in place to rectify that. I brought that report back to the minister. One of the major problems we found in the USA is what is called lemon laundering, which is when vehicles that are designated to fall under the criteria of the lemon laws are taken out of a state, rebadged and brought into another state or back to the same state as a brand spanking new car with no history.

This is possible because there are no uniform laws across the USA. The laws vary from state to state, and some states have no laws at all. The term that has cropped up for that practice is 'lemon laundering'. When lemon laundering occurs, it interferes with the effectiveness of the laws of each state. The report on that forms part of my report that was concluded in July 2008.

Shortly after the report was concluded it came to our attention that the federal government was conducting a review across Australia of fair trading laws and consumer protection. At the time it seemed sensible for us, instead of framing a law only in Victoria, to consider the introduction of this law Australia-wide so that we would not have the problems of lemon laundering that have cropped up in the USA over the past 20 years. I was interested to read in the minister's second-reading speech that my report will be considered as part of those considerations currently taking place within the federal sphere to put in place the Australia-wide consumer protection laws.

The other problem with introducing a law in Victoria in the face of these considerations is that any law we put in place may clash with or be superseded by a federal law that could be brought in as a result of those considerations. That in a nutshell is why this report is now being considered as part of overall Australia-wide laws.

Some of the consumers who have been affected by vehicles that have been less than optimum were a little distressed that this approach was being taken, until I explained to them that it would be better to have Australia-wide laws in place and that it might be worthwhile waiting just that little bit longer for that consideration to take place.

I hope that answers the questions of the member for Murray Valley about my report on the lemon laws and the consultation and thought processes that were behind it. He also queried what has happened to the report of the former member of the upper house, Noel Pullen. I cannot respond on behalf of Mr Pullen on those considerations. I am not quite sure how that has gone, except that I know a number of recommendations made by Mr Pullen have already been adopted by the government in legislation.

Hopefully the rest of those recommendations and my report on lemon laws will be considered as part of the Australia-wide consideration by the Council of Australian Governments as part of a national single consumer law. The object is to provide stronger, better, more accessible and probably affordable access to consumer law protection for people of not only Victoria but Australia. This legislation is part of that work that has been done. There are unscrupulous operators out there who like nothing better than taking advantage of some consumers.

I have noted instances of that in my electorate with the newly arrived Horn of Africa communities. Protection is sorely needed, particularly with credit provision for those communities. I am pleased to see that that is being addressed by the Fair Trading and Other Acts Amendment Bill 2008. As such, I support this legislation. It is another piece of good legislation by the Brumby government, and I commend the bill to the house.

Mr STENSHOLT (Burwood) — I rise to support the Fair Trading and Other Acts Amendment Bill 2008. I note that a quite unreasonable reasoned amendment has been moved. I thank the member for Mordialloc for her absolutely riveting discussion on lemon laws. I am sure the action will be called Fab lemon action on lemon laundering. I think it is very good.

There have been a lot of reviews of fair trading. I have even done some myself in past years. I see the member for Footscray is in the house; she produced a report in response to a review of fair trading done by the member for Monbulk. So many members, certainly on this side of the house, have been involved in fair trading because

we have a commitment to fairness in trading on behalf of both traders and consumers.

This bill includes provisions that strengthen enforcement capacity under the Fair Trading Act by increasing the tools open to regulators and courts in enforcing the legislation, and ensure that consumers who are parties to credit contracts enjoy protection from unfair contract terms through the application of part 2B of the Fair Trading Act to those contracts.

In respect of the enforcement-related amendments — and a number of views have been put forward today by members — the bill ensures that Victorian courts have the same capacity as courts under the federal Trade Practices Act to make non-punitive orders for corrective advertising. We have seen some reluctance by Victorian courts to make the publicity orders available under existing section 153 in civil proceedings, as the section has been perceived to be punitive in nature.

The bill also seeks to amend section 154 of the Fair Trading Act to enable courts to make orders prohibiting a person who is subject to litigation from divesting his or her assets in an attempt to defeat a potential damages judgement.

Currently the situation is that an application has to be made to the Supreme Court for a Mareva injunction. For those in the know — and I am not really an expert in this, I must admit — there was a case, I think over 30 years ago, in respect of bulk carriers. This has enabled assets to be frozen while a judgement is being made. Applying to the Supreme Court for a Mareva injunction is costly and inefficient, as the main proceedings in regard to fair trading are usually run in the Magistrates Court.

The amendment is intended to address the situation and ensure that people do not divest themselves of their assets and, if the judgement goes against them, have it said, 'There is nothing to be done, there is nothing to be paid out'. This is a fair and reasonable amendment in that regard.

The bill also increases the amount of compensation able to be awarded under section 160 for humiliation or distress arising from conduct which is an offence. The enforcement capacity under the Fair Trading Act is also strengthened to improve the clarity and operation of part 2B.

The bill contains provisions to give the director of Consumer Affairs Victoria a discretion to pursue significant proceedings in the County or Supreme courts. These decisions can act as precedents for the

Victorian Civil and Administrative Tribunal, as an alternative to bringing matters before VCAT. I know there has been some discussion in this regard.

This reasoned amendment seems to be quite over the top. It is almost as if there is a filibustering exercise by the opposition in regard to what are quite sensible provisions. The opposition is seeking to delay in order to ensure that these actions cannot be brought forward to protect people affected by rogue traders. It has come in with a reasoned amendment and said there must be more consultation. There has already been significant consultation in this regard, but there has not necessarily been agreement. You do not always get agreement in this regard. There are various parts in legislation that provide advantage to some parties and a different advantage to other parties. In the end it is a matter of coming up with what is a fair balance.

There are some people, whether they be from the Master Builders Association or the Law Institute of Victoria, who say, 'Maybe we need to talk about this a bit more. I do not want to face the possibility of going to the Supreme Court or even the County Court with these matters'. I should point out that the director of Consumer Affairs Victoria already has the ability to select the appropriate court in order to obtain civil relief under division 2 of part 2 of the Fair Trading Act — for example, under sections 149, 149A, 153, 154 and 155.

The record will also show that the director has used this ability sparingly to seek relief in the Supreme Court. It is not as if there are a thousand cases out there and business is going to be ruined by this; it is a matter of providing the appropriate course of action and the appropriate remedy for the appropriate circumstance. Where there is a case that is of sufficient moment which needs to be pursued in the Supreme Court, the director of Consumer Affairs Victoria has the capacity to pursue it there. I think that is sensible.

History has shown that the director uses this capacity sparingly. The main action takes place in other courts, whether through VCAT or the Magistrates Court. And when it comes to building, we have the Building Commission for a whole range of actions. There are a number of steps. But if there is something of great significance, such as gross negligence or an alleged deliberate action by a trader, then it should be dealt with in an appropriate court.

The act also provides for the enabling of remedial orders. It also provides that if it is alleged in any proceeding under part 2B that a contract is a consumer contract, it will be deemed to be presumed that part 2B applies to that particular contract.

The other issue which the bill deals with is the removal of the 'good faith' requirement from the definition of an unfair term of a contract. I note that the member for Malvern said, 'We need to have that sort of line-up in the federal sphere'. I note that the bill seeks to remove the existing good faith element.

There is a whole raft of cases which other people have mentioned, such as *Director of Consumer Affairs Victoria v. AAPT*, for which Justice Morris, the President of VCAT, made a determination. But there is also the recent Supreme Court of Victoria decision in *Jetstar Airways Pty Ltd v. Elizabeth Winifred Free*. In that case Justice Cavanough found that VCAT erred in law in constructing the phrase 'contrary to the requirements of good faith'.

The idea is that removing the requirement of good faith from the definition will address any ambiguity. The member for Malvern wishes to ensure that ambiguity remains and has moved a reasoned amendment in order to maintain ambiguity. That would be a failure of this house of Parliament. This particular amendment is a sensible one. The main argument he puts forward is that it has to be consistent with national arrangements. This amendment is consistent with national developments.

On 2 October 2008 the Council of Australian Governments agreed to the inclusion of a provision relating to unfair contract terms in a single national consumer law in the terms proposed by the ministerial council on 15 August. The model was based on the Productivity Commission recommendation and includes the omission of the element of good faith from the definition of 'unfair contract term'. COAG has confirmed its agreed model for regulating unfair contract terms in Australian consumer law does not incorporate 'good faith' in the definition of 'unfair contract term'.

I do not know what the member for Malvern is on about. I can only suspect he is actually on about delaying things. He is on about delaying fairness and justice for people in our community. He is on about denying balance when it comes to fair trading and consumer law. I cannot think of anything else he could be wishing to do. He is not looking at balance, fairness or justice, but is simply delaying. He simply wants to grandstand for the benefit of his own career. Perhaps he wishes to stab the Leader of the Opposition in the back in order to ensure that he gets a higher position in the Liberal Party.

Mr SEITZ (Keilor) — I stand to support the Fair Trading and Other Acts Amendment Bill. I congratulate the minister for introducing the bill

because it tidies up a number of issues. In particular, clause 1 sets out the purposes of the bill, which are to apply part 2B of the Fair Trading Act 1999 to consumer credit contracts, to strengthen enforcement capacity under other acts, and to amend certain definitions in the Residential Tenancies Act.

The provisions I will speak on are those dealing with the Residential Tenancies Act, particularly in relation to students. It is important that the minister has included this in the bill. With the number of overseas students present in Victoria it is necessary to have protection for their tenancy rights and contracts. When they first arrive they do not understand the documents and need to get the proper guidelines and advice.

The advertising overseas makes it seem as if they are going to be able to get luxury apartments and all the rest, but then they find out that it is a completely different story when they arrive here. Sometimes five or six of them will share one house so they can afford the rent. The head lessee in those cases sometimes does not understand the processes. Also some people subdivide houses illegally so they do not have a lounge room, kitchen and dining room, and so forth. This is an excellent piece of legislation in that sense.

I turn to the issue of contracts. When we talked about car contracts before I heard the word 'lemon'. The first time I heard a car being described as a lemon was when Leyland had designed a new car back in the 1970s. It was recognised as a lemon. It did not succeed. They started manufacturing it here, and after a very short time they stopped its manufacture because the Australian public just did not go for them, even though the vehicle looked impressive in those days. It is interesting that the federal government will be looking at the car industry and will get some standard laws implemented.

The bill also amends part 2B of the Fair Trading Act, which deals with Victoria's unfair contract terms and schemes, to strengthen its operation. It is important that the bill gives the power to the director of Consumer Affairs Victoria, who can choose whether to apply for an injunction at the Victorian Civil and Administrative Tribunal or the County Court or Supreme Court. Those steps are very important, because sometimes people blame Consumer Affairs Victoria and say that when they go there, it does not make fair decisions or have any teeth to make decisions. This amendment to the legislation will assist with that particular part of the legislation. It will give teeth to Consumer Affairs Victoria. It will give the officers there far more influence on the decisions they can make.

I commend once again the report that was produced by the member for Mordialloc following consultation with regard to the second-hand car trading industry. We are looking forward to having a standard law that will apply right across Australia that the federal government can pick up and that the Council of Australian Governments, in conjunction with all the state ministers, can pick up to deal with the anomalies that still exist. At times people can still slip through the net, in particular young inexperienced people. If you are a first car buyer, you can be talked into or duped into buying a car without understanding all the fine print in the contract. I also recommend the work that the member for Mordialloc has done and the recommendations that have come out of that work. I hope those recommendations will be taken up by the federal government so that we can have a standard law right across Australia.

The bill makes substantial and practical amendments that need to be made to ensure that we have modern standards in this area that comply with the Trade Practices Act. I recommend the bill to the house and wish it a speedy passage.

Ms MARSHALL (Forest Hill) — It is with great pleasure that I rise to speak on the Fair Trading and Other Acts Amendment Bill. At a time when household debt is at its highest, it is imperative that the government initiate measures to protect the average Joe from the unfair fine print that can be found in credit card, mobile phone and financial services contracts. The Brumby government has risen to the challenge with this bill by applying to credit contracts an unfair contract terms scheme in part 2B of the Fair Trading Act (FTA); by strengthening the enforcement capacity of the FTA; by updating and amending the definitions in the existing FTA; and by amending other acts, such as the Consumer Credit (Victoria) and Other Acts Amendment Act 2008, to reflect updates to federal legislation. An increased and comprehensive protection for the consumer will obviously be the result.

I hear firsthand from Forest Hill constituents who have issues about contracts with electricity providers, telecommunications companies and financial institutions. For instance, last week an elderly woman approached me and requested my assistance in dealing with a service provider she had recently switched to at the urging of a door-to-door salesman, only to find that the provider had levied an additional charge that was not disclosed in the contract she was asked to sign. It is cases such as this that reflect the need for this bill to ensure that the FTA has the teeth and the provisions to protect the most vulnerable within our society.

Forest Hill has a higher percentage of elderly people on average than most of the state. Research by consumer watchdogs has shown that older people are far more susceptible to unfair trading practices of companies than other segments of society. You only have to watch certain television programs that go to air late in the afternoon to see that unfair terms in consumer contracts are a serious issue, and this bill will address that issue. I am certain the people of Forest Hill are as pleased as I am that this bill illustrates that the Brumby government is committed to a fairer Victoria.

It is not only elderly consumers who will benefit from this bill; students will also benefit from amendments made to the Residential Tenancies Act 1997 that will ensure commercial student housing enterprises comply with Victorian tenancy laws. University students living in Forest Hill, particularly international students who rely on accommodation affiliated with their place of study, have in the past been treated unfairly by these providers. I have attempted to help a number of Forest Hill constituents deal with student housing enterprises, only to find that these enterprises are not subject to the same responsibilities as a regular landlord. My experience represents only a handful of the complaints that have been made to Consumer Affairs Victoria.

I would like to praise the government's decision to include in this bill provisions that will enable Victorian courts to make non-punitive orders to dispel misleading advertising and increase compensation for humiliation or distress due to illegal conduct under the FTA. Raising the limit on the amount of compensation that can be awarded for humiliation and stress under section 160 of the FTA from \$1000 to \$10 000 conveys to those providing goods and services the grave consequences of preying on vulnerable consumers. It is pleasing to see this bill as another example of the Brumby government delivering on its 2008 annual statement of government intentions.

This is a bill for the little people, and by that I do not mean anyone who is my height or smaller. This bill is for the elderly women in Forest Hill who are choosing an electricity provider, for the mums and dads in Forest Hill who are changing banks in order to lower their interest rate, and for the students in Forest Hill who are reliant on specialised student accommodation. This bill will offer better legal protection. Consumers statewide will benefit from the increased legal safeguards this bill has to offer. It is a great bill and a win for the consumer. I am pleased to have been able to make a contribution to the debate on the bill, and I commend the bill to the house.

Ms THOMSON (Footscray) — It is a pleasure to rise to speak on the Fair Trading and Other Acts Amendment Bill. I do so in a climate where Victoria has for many years set the standard of consumer law and consumer protection while balancing that against the needs of business. Victoria is undoubtedly the standout state in its performance in that regard, and this is just another example of that.

I want to touch on the reasoned amendment moved by the member for Malvern. The member for Burwood adequately and quite succinctly argued the case in support of this bill and in opposition to the amendment, and he also spoke very well about the bill and the bill's intent, but I want to say something about this amendment, because it is a furphy of an amendment. It really has no relevance to what this legislation is about or to the intent in relation to moving to a single consumer law which has been agreed to by the states and the commonwealth. I welcome this move, because it was not long ago — probably just before the Rudd government was elected — that we had a federal government that was not prepared to protect consumers at all. For years there would be a fight with the commonwealth about inching forward on consumer legislation, and we would have to keep going back to ask for more protections under the Trade Practices Act, only to be told, 'No'. It is a welcome breath of fresh air to find that we now have a federal government that is prepared to engage in legitimate discussions about what should be national consumer laws, about having those provisions within the Trade Practices Act and about ensuring that all consumers across Australia are represented through those laws and that all businesses, no matter where they operate in Australia, can understand the laws they have to operate under.

There is no better example of the need for national laws than in the potential lemon laws. If Victoria moves into the lemon laws space, there will be issues around what happens in other jurisdictions. It will mean that car manufacturers, or those who retail cars or whatever goods might eventually be included under lemon laws, might need to have provisions put in place for Victoria that are separate from the provisions needed in other jurisdictions. There has never been a more stark and obvious need for national coverage than in those potential laws. All the amendments that are contained in this legislation in relation to consumer laws are in fact consistent with the direction the Australian consumer law will take. People must understand that in that instance the amendment that has been moved is just trying to delay what the commonwealth will move towards anyway.

I want to say how pleased I am to see that the bill provides for the unfair contracts legislation contained in the Trade Practices Act to be represented in our credit laws and our credit code. Eventually, as we move towards it, it will be contained in the one Australian code for credit. It is very important that the national legislation will include unfair contracts within its jurisdiction when that legislation is brought before the federal Parliament. It has constantly been of concern to consumer agencies around the country that totally unfair credit contracts have been issued and that we have not been able to do much about it. It is good that the review that was undertaken into our credit laws has been picked up by the minister and included in the scope of the bill.

Victoria will continue to lead in relation to credit legislation and Trade Practices Act legislation, and it will continue to lead here in Victoria under the Fair Trading Act. As we move further into a national agenda on consumer affairs I am looking forward to Victoria leading the agenda nationally on fair trading laws for us all.

On residential tenancies, can I say how pleased I am that we will be including students protection under this legislation. They were exempt before in a totally different environment and I am looking forward to them now being covered, ensuring that students have protections in place and that there will be proper registration in place for tertiary education bodies providing access in whatever way they wish to student accommodation to ensure students are treated fairly and are not being ripped off. It is a pleasure to support the bill.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

BUSHFIRES ROYAL COMMISSION (REPORT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRUMBY (Premier).

Mr HULLS (Attorney-General) — In summing up I thank everyone for their contributions and I welcome the opposition's recognition of the importance of this legislation. As speakers have said, it is laying the foundations for the delivery of the royal commission's

findings to the government, to Parliament and to the people of Victoria. The devastation that was wreaked by the February bushfires called for no less than a royal commission, no less than an eminent judge to lead the inquiry and no less than the broadest possible terms of reference. The Premier has emphasised that it is the government's intention that in establishing the royal commission the government wants to ensure that no stone is left unturned in learning the lessons from the past and making recommendations to government to ensure that these circumstances never happen again.

The bill establishes a process to ensure that the reports of the royal commission can be released while Parliament is not sitting but can still attract parliamentary privilege. As speakers have said, that is the very purpose of the bill: to ensure that the reports can be released without having to wait to table them while Parliament is sitting.

In the government's view the bill should accommodate all potential scenarios surrounding the royal commission's report. It is correct that the legislation providing for the publication of the Metropolitan Ambulance Service and Longford reports did not have any outside time limits as to when they ought to be tabled. The government thought it was prudent to specify an outward time limit. Members have raised issues about that. Clause 4 of the bill as drafted specified a 10-day outer time limit. That was put in place, despite some of the comments made about conspiracy theories and the like, to ensure that the reports could be printed and released as soon as practicable after they were completed and not any later. That is why the outer time limit was put into the legislation.

Setting a 10-day time frame outer limit in the bill could have ensured that no matter what the circumstances surrounding the delivery of the commission's reports, no matter what unforeseen logistical impediments may arise, those with the responsibility for delivering, printing, publishing and distributing those reports had an outside time limit within which their responsibilities must be fulfilled.

I will put a particular scenario. I raise this because questions were asked about it. I had conversations with the Leader of The Nationals prior to the drafting of the bill and prior to the bill being debated in the chamber, when he did me the courtesy of contacting me in relation to the 10-day time limit. The government will move an amendment to remove the 10-day time limit. I will just take members through the steps that could technically be followed in relation to the bill. The commission could give its report to the Governor. It

may well be, as in past practice, that the commission gives a printed report to the Governor but that is not necessarily the case. It could be that the commission actually gives the report to the Governor who then gives the report to the relevant minister. The minister gives the report to the government printer and causes it to be printed. As I said, that step may not be necessary because in previous royal commissions, the commissioner has provided the report directly to the government printer. But technically that could occur.

Once the report has been printed the minister would then give the report to the Clerk of each house, including copies for all members of Parliament. Privilege actually attaches to the report at that particular point. The clerks would alert all MPs and make copies of the report available. Immediately after the report is provided to the clerks, the government is able to release it publicly. As with previous royal commissions, on the next sitting day the minister physically tables the report in Parliament to complete the process, although the report has already been released and has attracted privilege prior to then.

A circumstance could arise, for instance, where the commission gives the report to the Governor on a Friday. The Governor gives the report to the minister. It could not be printed until, let us say, the Monday. It may be a large report — who knows — and take a day or maybe two days to be printed; then it is handed to the Clerk. It may not be handed to the Clerk until after close of business; the clerks may not be here, for instance and for whatever reason. So for all those technical reasons — and that is all they are — we decided to put on an outer time limit to ensure that all this work was done in no longer than 10 days.

I have had discussions with the Leader of The Nationals. He is of the view — and I assume that was the point he was making — that the time limit could be used to withhold the report for longer than necessary. The last thing we wanted was to end the bipartisanship in relation to the royal commission, because I think everybody agrees the commission is appropriate; its terms of reference are appropriate. I had discussions with him, and we have decided to remove the 10 days outer limit in the hope that we can continue to have bipartisanship in relation to this very important matter. It is the government's intention to have the report released as soon as possible, as soon as it is practicable and all these steps are taken. The Victorian public would expect no less.

Whilst I thank the Leader of The Nationals for the courtesy he gave me in contacting me about this matter, and I am more than happy to remove the 10 days outer

limit, I reject some of the comments that have been made by members on the other side about the reason for the 10 days. It was a bona fide reason, and members opposite can either accept or reject that, but I can assure them it was a bone fide reason — to ensure that any unforeseen circumstances could be met, and that this report was made public as soon as possible.

However, as I say, in the interests of bipartisanship we will be moving an amendment to remove that clause that has concerned in particular the Leader of The Nationals. I repeat: I hope the spirit of bipartisanship in relation to this royal commission, which ought to underlie the seriousness of the matters currently under investigation by the royal commission, remains.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 3 agreed to.

Clause 4

Mr HULLS (Attorney-General) — I move:

Clause 4, line 9, omit “Within 10 days after” and insert “On”.

I simply rely on the comments I made in summing up the bill in relation to the reason for the amendment.

Mr RYAN (Leader of The Nationals) — I endorse the comments of the Attorney-General in relation to the matters upon which he has touched insofar as he has very reasonably summed up the significance of this legislation and what it means to all Victorians, and very particularly to those who are bearing the brunt of the appalling losses that go with this dreadful tragedy.

The coalition welcomes the bill. We welcome the amendment which has been moved by the Attorney-General, and so it is that we support the legislation. We welcome the bill primarily because its fundamental aim is to better ensure that the royal commission report, should it be available through the commissioner and should it go to the Governor on a non-sitting parliamentary day, is able to be forthwith made available to the people of Victoria.

Leaving aside all the processes in between, that is the bottom line. We need to achieve a position as best we can that applies if the report comes in on a sitting day whereby, as we see here day after day, documents of this ilk are tabled. They are then forthwith made available to the people of Victoria. The general intent,

without overstating it, is to replicate that circumstance in both those situations.

The concern that we had was in relation to clause 4 now under consideration, and I say that in circumstances where the interim report is due by 17 August. I use the expression ‘by’ reflecting the terms of reference for the royal commission. That is 139 days away, one day short of only 20 weeks away. The prospect therefore is it will be Monday, 17 August when the document arrives. It is imperative therefore that we have this legislation in place because it will, certainly in its amended form, ensure that the best possible prospect is there of having the document in the hands of all Victorians. I say that literally by the end of the day we should be able to have the document available to all Victorians.

With respect to the Attorney-General, I hear what he says as to what might be logistical problems, but I take great comfort in addressing those concerns on two bases. The first is custom and precedent. As we know, there have been two pieces of legislation similar to that which is now before the Parliament, and they have worked well. Furthermore, in the exercise of what is required under those respective pieces of legislation we have now had three instances where reports have finally been made available to Victorians pursuant to their terms, one an interim report and the other two final reports. In those three instances the logistics of the whole structure of that process were managed on a basis whereby the commission’s report came to the Governor, went to the minister, came to the Parliament, went through the process of being tabled in order to be printed and therefore was made available to all Victorians in one day. All that happened in one day. Custom and practice therefore says that it has been done before on three occasions, and I believe custom and practice says it should be done again.

I accept the Attorney-General’s statement that it is the government’s intention that such would be the case. I would have thought it highly unlikely that any untoward aspect would arise which would cause a logistical problem. On the other hand I would have thought it likely that in such an event there is a capacity within the various parties involved in this process, which after all is not complex, to manage this in a manner which ensures that the custom and practice which has applied on three occasions applies again. I do not formally seek any assurance from the Attorney-General about that. I take on face value what he said in his commentary.

The perception of this process must equate with the reality of it. I understand in a sense the government’s

disquiet at our disquiet, but by the same token, the perception of the process must match the reality of the process. Bipartisanship has been a substantial feature of the management of this appalling tragedy thus far, and I see no reason why it cannot continue.

Amendment agreed to; amended clause agreed to.

Bill agreed to with amendment.

Third reading

Motion agreed to.

Read third time.

MAJOR SPORTING EVENTS BILL

Second reading

Debate resumed from 26 February; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Mr DELAHUNTY (Lowan) — I rise on behalf of the opposition to speak on the Major Sporting Events Bill 2009. I am thankful for the input to this discussion of my colleagues and the organisations we consulted with. There were many of those, and I will briefly come to them later. We know the main purpose of this bill is to re-enact with amendments and to consolidate into one act the law relating to major sporting events and to venues for events by repealing three acts: the Major Events (Aerial Advertising) Act 2007, the Major Events (Crowd Management) Act 2003 and the Sports Events Ticketing (Fair Access) Act 2002. The bill also consequentially amends other acts.

We consulted widely with football clubs, Melbourne City Council, the Melbourne Cricket Ground Trust, various cricket clubs, Athletics Victoria, the Australian Grand Prix Corporation, Swimming Victoria, Tennis Victoria, state sporting associations, the Australian Motorcycle Grand Prix, Racing Victoria Ltd and other racing clubs in Melbourne. The coalition is not opposed to this legislation. The reason we have come to that decision is that it consolidates the three acts into one, and we are about trying to reduce red tape. We think this is a step forward in that direction.

The bill also changes the existing legislation supporting major events. We saw a major event here last weekend. Major events occur throughout the year, and I will speak about that later. Importantly, with this bill we do not have to introduce legislation such as that for the Commonwealth Games and other major events. We can

now use this legislation to facilitate a major sporting event in Victoria.

Overall this bill supports the acquisition, retention, staging and management of major sporting events in Victoria, but no doubt the implementation of this bill will create some concerns in relation to such things as closure or modification of roads, crowd management, property rights, operational arrangements and regulations. The final part of the bill includes a component for developing regulations, but until the community sees the regulations it will be interesting to see how the bill's implementation will go.

Besides major sporting events we should look at other major events in Victoria. There was a major event to support the bushfire appeal which saw about 80 000 people at a concert at the MCG. It was supported all over Victoria and Australia wide and raised a lot of money for the bushfire appeal. We need an act of Parliament to look after not only sporting events but arts and cultural events and many other major events that would not happen without legislation to support them and sponsorship from many sponsors. Protection is needed to facilitate these events and make sure they can happen in a safe and friendly way.

As I said, this bill consolidates three existing general legislation bills in relation to major sporting events, but other acts can be suspended, and that creates some concerns about implementation. They include the Planning and Environment Act 1987, the Heritage Act 1995, the Environment Effects Act 1978, the Coastal Management Act 1995, the Crown Land (Reserves) Act 1978, the Land Act 1958, the Building Act 1993, the Health Act 1958 and the Local Government Act 1989. My colleague the member for Shepparton, who is the shadow Minister for Local Government, has been keen to ensure that whenever legislation involves local government issues, such as road closures and the like, the local council will be consulted. I am pleased to say that is the case with this legislation.

There are also some additions to the existing legislation such as including the AFL (Australian Football League) finals series in the list of events protected from ambush aerial advertising.

Mr Langdon — Can we guarantee the Bombers?

Mr DELAHUNTY — The member asked if we can protect the Bombers. We need all the protection we can get this year! Ambush advertising has been a major concern for many years. I thank the staff of the library for an article relating to aerial advertising in the *Age* of

September 2006 which is headed 'Airship in "ambush marketing" turbulence'. It states:

Concerns that a giant blimp could gatecrash this year's AFL grand final and other Melbourne events have been raised with the state and federal governments ...

Several major events organisers, including AFL chief executive Andrew Demetriou, have raised concerns about the blimp ...

The then Minister for Sport and Recreation, Justin Madden, got involved. According to the *Age*:

Mr Madden told the industry he had no powers to prevent the blimp flying over the MCG on grand final day, if the operators chose to do so.

Other organisations responsible for football or cricket or the Spring Racing Carnival also contacted the government, raising concerns. As the minister said at that stage, there was no legislation to deal with events like those, including the AFL finals series.

As you know, Acting Speaker, major sponsorship goes into these sporting events. In fact, \$95 million in sponsorship alone goes into things such as the Commonwealth Games. Event organisers want some protection from ambush marketing, and they will be pleased to see that this bill addresses those concerns.

An article in the *Age* in 2004 had the headline 'Games organisers move to put aerial ads to flight'. It reads:

As Melbourne begins the two-year countdown to the Commonwealth Games, organisers have raised their battle against ambush advertising to the skies.

...

Melbourne 2006 chairman Ron Walker said the aerial advertising rules were to protect official sponsors.

And they needed them. According to Ron Walker, as quoted in the article:

People who have paid millions of dollars to have their products advertised during the Commonwealth Games don't want people ambush advertising on top of us.

In 2007 an article appeared in the *Age* under the headline 'AFL seeks shelter from air ads'. The AFL was again calling for some protection in relation to aerial advertising. In September 2005 the *Herald Sun* reported in an article entitled 'Finals ban on rogue blimp' that we finally got some legislation. We saw that legislation come into the house and we all know it was supported by all sides of politics; it is now being amended by this bill.

Under this legislation the crowd management provisions have also changed. The bill allows for

authorised officers to direct a person to leave a sporting venue because they are causing 'unreasonable disruption or unreasonable interference' to spectators or organisers. This is different to what was in the previous bill, which was 'annoyance to spectators'. Crowd control is a vital component of major sporting events and is a major problem at any event. I have been to sporting events where people have been unruly, out of control and have been a total annoyance to spectators, but only limited control was imposed under the act. The opposition is pleased to see that this has been extended to 'unreasonable disruption or unreasonable interference' to protect not only the spectators but also to the organisers.

I also have some information on this from an article in the *Age* in 2007 under the headline 'Criminals muscle in on security'. But this was not about crowd control; this was about the crowd controllers themselves. The article says:

Australia's crowd control and security industries are being infiltrated by criminals and unqualified staff, threatening public safety, leading industry figures have claimed.

A *Herald Sun* article back in 2005, with the headline 'Give soccer's hoons the boot', says we need to provide some legislative framework. As we know, there have been problems at some of the soccer matches. I am pleased to say that I went to the soccer grand final this year to support the great Melbourne Victory team, which got up 1 to 0 against the Adelaide side. It was a great event and very well supported by Victorians.

A *Herald Sun* article of 2 October 2008 has the headline 'Drunks warned of heavy going'. Legislation to control some of these people was to be applied not only to sporting events but also to race meetings.

In 2005 a *Herald Sun* article had the headline 'Fans body search — new MCG police powers'. The article says in part:

Police and venue operators will be given sweeping powers to search patrons at sporting and other major events in the lead-up to the Commonwealth Games.

Banned items such as flares, alcohol and bottles will be seized by security staff.

The article continues:

Serial pests and violent troublemakers will be banned from the venues.

Hooligans face on-the-spot fines of up to \$2000 for throwing bottles and other missiles, causing property damage or lighting flares.

You can see there has been a lot of action in trying to control unruly crowds at major sporting events.

As I said, many major sporting events are held in Melbourne and across Victoria. I will list just the ones mentioned in the bill: the Boxing Day test, the Australian Open, the Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the AFL Grand Final — and now as you know, restrictions on aerial advertising have been extended to all matches in the AFL finals series — Caulfield Cup day, Cox Plate day, the Melbourne Cup carnival and any event specified as a major sporting event in order to stop aerial advertising. There are a lot of events!

In Parliament yesterday the Minister for Tourism and Major Events highlighted some of the major events in Victoria, but not once did he mention some of the major sporting events in country Victoria. Recently the Australian Masters Games were hosted in Geelong. The games provided a super event, not only for the competitors but also for Geelong itself. The Road Cycling World Championships will be held in Australia for the first time in 2010; under this legislation, that event could get some protection.

There is also the Rip Curl Pro surfing event at Bells Beach, and I think you have been down there a few times, Acting Speaker; that is another major event in country Victoria. There is the Jayco *Herald Sun* Tour, which was previously sponsored by VicHealth — as a proud member of the VicHealth board, I have seen private companies pick up the event and Jayco has been a great supporter of the tour. Cycling is a booming industry, and it is pleasing to see that we have got these major events. Again, many organisations would like support for this type of legislation with their events; I can think of the Skandia Geelong Week sailing competition, and the Southern 80 in Echuca.

This is where I want to bring up some concerns that the opposition has with the legislation. Southern 80 is a major water-skiing event held once a year on the Murray River at Echuca. The Murray River is covered by New South Wales legislation. A lot of things happen in Victoria, and a lot of events happen on the other side of the river too. It is interesting to note that this could create a problem where advertisers will not be protected from ambush advertising when there is advertising on the other side of the river. We need to extend this legislation for major sporting events not only in Melbourne but also in country Victoria, such as the Southern 80 at Echuca, which would love to have some sort of protection from ambush marketing on those events.

There is one great yearly event in my area, which is the Stawell Gift. Attempts were made to hijack it down to Melbourne a couple of years ago. I am pleased that, with the support of Australia Post and many other organisations, including the government, we have been able to retain the Stawell Gift at Stawell. It is a great event at Easter time and I encourage as many people as possible to get up there.

I would be remiss if I did not mention the Warrnambool May Racing Carnival, which is another super event in country Victoria. My father, who passed away last year, spent his annual holidays at the Warrnambool May Racing Carnival. He went down there for the week and made a lot of friends. It too is a major sporting event which would like some support from this type of legislation.

The World Superbike Championships are held at Phillip Island. I know my colleague the member for Benalla would be unhappy if I did not mention the Winton V8 supercar international event held near Benalla. For some unknown reason that event cannot get major event status here in Victoria; I am not sure why that is so. Later in the debate the minister might want to tell us why, but that major country event also could be supported by this Major Sporting Events Bill, to help them particularly not only with ambush marketing but also crowd control and other issues.

As I said before, it was disappointing that the finance minister came in here spruiking the wonderful events we hold in Melbourne. He spoke about the wonderful events for Victoria, but not once did he mention a major sporting event in country Victoria.

This bill sets out a new regime for the appointment of authorised officers to carry out relevant functions. It is a combination of the provisions in the existing acts, and we are pleased to see that. It also provides additional types of protection for major sporting events, such as commercial and operational arrangements, limited protection against claims for economic compensation and ambush marketing, which I spoke of earlier.

Other protections and requirements include the prohibition of unauthorised use of event logos, images and references; the legislation carries related enforcement provisions. It also has provisions for event organisers to control events access; I was earlier talking about crowd control, and it is important that the public has good access to the events.

We have seen the redevelopment of the MCG. The concourse on the south-west corner of the ground has been built at a cost of, I think, about \$12 million to

facilitate crowd movements in and out of the MCG for a major event, particularly if they have a fire as they had one time in the scoreboard. This legislation will give event organisers some control over crowd access.

There is a requirement for vehicles and vessels not to be at an event venue or an event area during the event period without authorisation, and there is provision for the removal of such vehicles and vessels.

We sent this bill around to a lot of people, and sent the second-reading speech to a lot of organisations. No-one raised any concern, except for one group. It was the chief executive officer of Yachting Victoria, Mr Ross Kilborn. He sent me an email a couple of weeks ago, and I quote from his letter:

Put simply there are requirements under the Marine Act for boats to carry certain safety equipment, for example, flares, radios, and there is other equipment that it makes good sense to carry on a boat, for example, whistles on life jackets, flags, horns et cetera.

To the extent that major events could be conducted on the water (for example, Volvo Ocean Race or Commonwealth Games Swims ...)

He was concerned about this legislation. While I am pleased Mr Kilborn obviously consulted with the government and the event organisers, he sent me another email on 18 March, saying:

I understand this has now been clarified and that the draft provides for exemptions to its requirements to ensure compliance with requirements of the Marine Act.

The other concern about the bill, which I spoke about earlier, is the power that allows the minister to temporarily close or modify roads. Clauses 109 and 110 talk about the temporary closure of roads or the temporary modification of roads. In both instances, it says, under clause 109(3):

The Minister must not temporarily close a road under subsection (1) or (2) unless the Minister has consulted —

- (a) with the minister administering the Road Management Act; and
- (b) if the road is a road to which Division 2 of Part 9 of the Local Government Act 1989 applies, with the minister administering that act and the relevant local council ...

I think it is satisfying particularly to the shadow Minister for Local Government that any of these types of modifications or closures to roads must be done after consultation with the local governments involved.

The other requirement in this legislation will be that there is to be appropriate restoration at event venues or

event areas. As we know, that is part of the existing legislation. I know it happens after the Australian grand prix has been run, and it was held here only last weekend. I think, as we have seen over the many years that the grand prix has been running, there have not been to my knowledge any complaints about the restoration after the event, so it is obviously working, and the bill's provision facilitates major events like the Australian grand prix.

It is also interesting to read in this legislation that where the minister considers it necessary and in the public interest, an order may be made that no compensation is payable in relation to a major sporting event other than for death or personal injury.

We know these types of clauses were in the Commonwealth Games and the World Swimming Championships bills, but concerns have been raised with us about how far this provision is to extend.

It is interesting to look at the second-reading speech; 26 pages cover the statement of compatibility with the charter of human rights, trying to justify this under the charter of human rights, yet the bill went to only 4 pages, so there are obviously concerns by some people out there particularly in this area.

It is interesting to note that in his statement of compatibility the minister said it 'engages the rights to privacy, property and security and liberty of persons but does not limit these rights'. He goes on to say that it 'presents minimal interference with the charter of rights'. This is a different story than what we saw from Labor when the Australian Grand Prix Bill was introduced in this house in 1994. I looked back through the comments made in those days by the opposition, and it really is starkly different from what we have here today. On 7 October 1994 the then member for Richmond, Mr Dollis, responded.

Mr Nardella — Mr Nardella?

Mr DELAHUNTY — No, he did not get a mention. He was not good enough. I do not think he was even in this house in 1994.

Mr Nardella — That is correct.

Mr DELAHUNTY — He was in the other place. I did not go over there. We just looked at the people here who were responding to the Australian Grand Prix Bill, but it is just stark, the comments that were made at that stage in 1994 to what we have here today. That again highlights that Labor will say anything and do anything. The reality is they are hypocrites of the first degree.

Mr Nardella — That's not nice.

Mr DELAHUNTY — But true. The member for Melton said it might not be nice, but he did not deny it is true. It is interesting to note, though, that this bill has a sliding scale of requirements for accountability. It is in this case that I thank the government for the briefing we were given, and particularly from Lloyd Freeburn, in relation to the major sporting events and the sliding scales of accountability.

The first one is the sports events ticketing. That can be made by the minister in a declaration published in the *Government Gazette* under clause 152. When we talk about ticketing, I see we still have problems in relation to ticketing. The *Herald Sun* of 2 November 2006 had the headlines 'Scalping crackdown' and 'States urged to follow Queensland's lead'.

The article, by Jim Wilson, states:

Australia's major sports have implored state governments to follow Queensland's lead after it announced tough new penalties for ticketing scalping on the internet.

The unprecedented move by the Queensland government has been applauded by Cricket Australia ahead of the Ashes series.

It goes on:

The move is a victory for Australia's high-profile sports.

Online auction site eBay has been heavily criticised for allowing scalping, but it has refused to stop scalpers from advertising.

The article states that Cricket Australia:

... has welcomed the get-tough approach on internet scalping.

It quotes Cricket Australia chief executive James Sutherland as saying:

Congratulations to Queensland for showing leadership on this issue.

Here in Victoria we have always been proud of leading Australia in a lot of areas — whether they be sporting facilities or sporting crowds. Sometimes I wonder whether we have still got the top athletes. We might have dropped the ball a little bit in that area.

Ms D'Ambrosio — Since you retired.

Mr DELAHUNTY — Since I retired? Thank you, but I do not agree with that. There are a lot better players now than when I played, I have to say.

The reality is that Queensland has led this crackdown, particularly with regard to scalpers using the internet.

That is highlighted in many newspaper articles, some of which I have here and will quote from. An article from the *Herald Sun* of 15 September 2008 headed 'Packages hide inflated prices' states:

AFL —

Australian Football League —

Grand Final tickets are being flogged at greatly inflated prices, despite tough new anti-scalping laws.

That was here in Victoria. The article further states that the cost of a standard ticket for last year's grand final was \$161 but that inflated ticket prices have been hidden in packages containing accommodation and function deals. The article goes on to talk about the fact that the Melbourne Cricket Ground holds about 100 000 people and that 25 000 tickets are made available to members of the two competing clubs. It states:

The remaining tickets are set aside for Melbourne Cricket Club members, the AFL members and for commercial use — including a batch of about 750 provided to each of the 16 AFL clubs.

Although Victoria has legislation to protect against scalping, I do not think it goes as far as the Queensland legislation, and I would love to hear the minister explain why not.

On the sliding scale of issues we next have the major sporting events orders. These can be made by the Governor in Council on recommendation of the minister and are published in the *Government Gazette*. Next are acts non-application orders and no-compensation orders. These can also be made by the Governor in Council on recommendation of the minister. They are published in the *Government Gazette* and tabled in Parliament. Acts non-application orders and no-compensation orders can be disallowed in whole or in part by either house of Parliament.

Disallowance is provided for by clause 22, 'Orders to be laid before Parliament and certain orders subject to disallowance', which is on pages 32 and 33 of the bill. There are also disallowance provisions under the Planning and Environment Act, I think. We have seen in the case of the Barwon Heads bridge the government overlook the disallowance motion that was passed in the upper house. In other words, I question whether provisions in this legislation are truly able to be disallowed, as has been promised to me and as is stated in clauses 22 (3) and (4). I question that that is the case after this government has ridden roughshod over the decision of the Parliament in the Barwon Heads bridge case, and I raise it as a concern tonight.

It is interesting that the bill also provides for the Governor in Council to make orders on the recommendation of the minister indicating which parts and provisions of the bill are to apply to a particular event, depending on the requirements for each event. As I said before, this legislation will now facilitate any major sporting event coming to Victoria. We will not have to bring in separate legislation to allow events to happen. This bill will allow the minister and the Governor in Council to notify the public of what is happening through publication in the *Government Gazette*. There could be major sporting events or other major events such as the fantastic cultural event that was held at the MCG a couple of weeks ago. Many such events are held across Victoria. The provisions of the bill could also be used for major country sporting events that I have spoken about.

This bill also covers unlawful broadcasting. We know that many years ago people broadcast the races from the top of the hill overlooking the Flemington Racecourse. That went on for a couple of years until legislation was brought in to stop it. This bill ensures that unlawful broadcasting will be blocked. I refer to an article in the *Age* in 2005 headed 'Move to block Sky use of cup carnival footage', which reports that Channel 7 and the Victoria Racing Club took legal action to stop the rival Sky Channel from broadcasting coverage of the Melbourne Cup Carnival. Sponsors pay big money to sponsor such events and want protection.

I will finish off by mentioning an article in the *Herald Sun* headed 'Our talent for extravaganzas needs a class of its own', which was written by the former Liberal Premier, Jeff Kennett. The article states:

In short, we have developed an industry in the delivery of events in Victoria that is unmatched anywhere else in the world.

I have to agree with that. We have set a standard not only around Australia but worldwide. In fact our people went to China to help with the Beijing Olympic Games. We are also helping with the London Commonwealth Games of 2012. We have an international reputation for delivering such events. This legislation will help us maintain that reputation. There are some concerns with the bill, but I think overall it is a positive step forward because, after all, it will result in some reduction in red tape.

Ms D'AMBROSIO (Mill Park) — I am very pleased to speak in support of the Major Sporting Events Bill. I do so in the context of a very reputable number of years of significant investment on the part of this government, not just in major sporting infrastructure but in people. I say that simply to

illustrate the importance of bills such as this one in keeping Victoria at the forefront as the sporting events capital of Australia with a reputation at the international level.

Major sporting events are a vital ingredient in Victoria's tourism strategy. When we talk about major sporting events we need to be clear and not forget that we are talking about not just the benefits derived by those businesses that are directly linked to major sporting events but also the spin-off economic benefits that are felt throughout the broader community and right across other industry sectors, including hospitality, entertainment and the like. This government has invested significant resources to ensure that major events generate the maximum tourism outcomes for our state: the economic benefits, both direct and indirect, and the social benefits that we all receive from those terrific events, from major infrastructure investments and from investments in our people.

We need only look at some of those achievements and what we have done in those areas to date to illustrate the importance of this bill, which clearly positions Victoria well to reap the maximum benefits of major sporting events into the future. We have invested more than \$180 million in over 1900 sporting facilities right across Victoria — a record amount. We have also invested over \$150 million in the Go for Your Life campaign. This is our investment in our people to promote good health and the culture of sport we are renowned for. The Go for Your Life campaign is about activity, health, preventable disease and obesity, mixed with our love for sport and recreation and the outdoors.

We are also drought-proofing projects and sporting facilities. Since 2006 we have invested over \$28 million in at least maintaining our capacity to keep up our activities right across Victoria, ranging from local sport right through to major events. These investments in our physical and people capital are highly valued by our community and are valuable in a real economic sense to the life of Victoria. Our status as the major events capital is underpinned by these investments in our people. It is therefore appropriate that we introduce a bill which seeks to retain Victoria's status by retaining the wide array of major events that call Victoria home. It also goes further in equipping us to expand the wealth of events that we currently hold. We do that sure-footedly and with the greatest confidence we can possibly have through a well-crafted tourism strategy.

Further, the bill sets us up with the administrative tools necessary to deal with the increasingly competitive commercial environment that surrounds major sporting events. The bill brings together the provisions of the

Major Events (Aerial Advertising) Act, the Major Events (Crowd Management) Act and the Sports Event Ticketing (Fair Access) Act in new, refined legislation that will replace those other acts on the statute book. This is part of the government's ongoing legislative reform agenda to reduce the number of acts on the statute book so that we will end up with very modern, state-of-the-art bills that will provide us with the maximum opportunities to advance the interests of the state.

The bill also provides added protections for major sporting events. These include: prohibiting the broadcasting or recording of major sporting events without due authorisation. Much has been said about the increase in the commercialisation of and in the money that is invested in our major sporting events through, for example, sponsorships. Many of the events are very big-ticket items, so we need to take all necessary steps to protect the commercial viability of many of those major sporting events. This bill does that by reiterating and expanding protective mechanisms so there is a decrease in the misappropriation of sponsorship and advertising — and ambush advertising has already been mentioned. Other added protections include the prohibition of the use of event images or logos without authorisation. Again, it is about commercial misappropriation, which is on the increase. The bill also gives power to an event organiser to control access to event areas or venues and looks clearly at security crowd control measures, which now comply with the charter of human rights and responsibilities.

The legislation now talks about unreasonable disruption to patrons and event organisers rather than issues which are difficult to quantify objectively — for example, previous provisions referred to matters such as annoying behaviour. The bill also provides the minister with the capacity to direct that no compensation be payable regarding a major sporting event other than for matters arising relating to a death or a personal injury, but compensation needs to be considered necessary and in the public interest. These added protections will not apply as blanket protective mechanisms to every major event; they will need to be tested and measured and stand alone for individual specific events.

I have talked about the added protections. There is a lot more I could say, but I want to go to some other issues which put us squarely in a frame of mind to realise how important major sporting events are to not just the lifeblood of our culture in Victoria but also to how we are seen in terms of attracting tourists from right across Australia, and to realise how businesses have positioned themselves on an international stage to

encourage visitors to Victoria and grow businesses here. You need only look at some websites to see that the Victorian government's tourism strategy is squarely in line with the thinking of a lot of businesses with a greater appreciation of major sporting events here in Victoria. You can look at the Invest Victoria website, which states:

Melbourne again crowned world sporting capital.

...

An international study has again ranked Melbourne as the best location in the world for hosting major sporting events.

Melbourne retains its position as the Ultimate Sports City (2008) ahead of Berlin, Sydney, London, Vancouver, Paris, Tokyo, Los Angeles, Madrid and Hong Kong —

et cetera. The website of Plan Book Travel Australia, another commercial website, states:

Over the last century Melbourne has proven itself to be the sports capital of Australia due to its success of holding major internationally acclaimed sporting events.

A further website, travelactivities.news.com.au, shows the spin-off effects and indirect commercial benefits to other commercial sectors, and gives a whole list of special tours that are designed around our major sporting events. There are the sports lovers morning city tour; the horses, wine and beer tour; Aussie Rules footy — with a local host; and the sports lovers tour plus Telstra Dome tour and deck. One of them offers the following:

Experience the unique Australian game of football with a local host to explain the rules, bumps and brawls —

and so on. Lastly I go to a website which targets the Brits, as it calls itself britz.com.au. It describes Victoria's demography and climate, and then moves on to what we are famous for in Victoria. It lists that we are famous for food, sport and festivals, and then it gives a plethora of examples of the major sporting events we are renowned for.

Ms ASHER (Brighton) — I wish to make a few comments on the Major Sporting Events Bill, which the opposition does not oppose. As everyone is aware, the bill will repeal three acts — the Major Events (Aerial Advertising) Act, the Major Events (Crowd Management) Act, and the Sports Event Ticketing (Fair Access) Act — and will consolidate all of them into one act when the bill passes through Parliament. On the face of it this rationalisation is fair enough and appears to be very sensible. However, I place on the record the same point I made when I spoke on a previous consolidation of sporting acts — that is, that the

government is going to be mischievous about what it claims in terms of red tape reduction on this bill.

The government made a promise in 2002 and in 2006 in its small business policy statement that it would reduce red tape. It is a commendable objective, and it is one that the opposition supports. However, what the government will do is claim that these three bills being covered by the one act and repealed will mean a reduction in red tape for business, and it will not. For some years at the Public Accounts and Estimates Committee hearings we have been asking about the mischievous and misleading claims that the government is making about reducing red tape and its track record of reporting data. Whilst most of the provisions of the bills that are going to be repealed have been incorporated into this bill, I caution and place on record the opposition's view that the claim that this is a red tape reduction for business is an absolute nonsense. We will be moving to test this again at the Public Accounts and Estimates Committee hearings.

However, I wish now to move on to the issue of major events, which is the subject of this bill. Previously we have had individual pieces of legislation for all major events. We have had legislation for the Commonwealth Games, legislation for the world swimming championships, and legislation for the grand prix. I am one of the members who remembers the bill for the grand prix going through. However, the government is claiming that in future this consolidation of legislation will mean that it does not have to have individual facilitating pieces of legislation for major events. It has left itself some room to move, and on that point the opposition has no disagreement.

However, I wish to make some very specific comments in relation to major events and the claims the government has made in the second-reading speech. The second-reading speech refers to the importance of major sporting events in particular for the government's economic strategy and tourism strategy. That has not always been the government's view. Indeed the Labor Party had a very objective view about major events when it was in opposition, and it was not supportive. I was particularly interested to hear the convert from Mill Park talk about how fabulous it was for the Victorian economy to have these major events, but that was not always the Labor Party's view. I look at this reconstructed Labor Party now. The minister in his second-reading speech — and this is breathtaking for its transformation — said:

I believe that the bill will, if passed, be the most comprehensive major sporting event-related legislation in the world, which appropriately reflects Victoria's unparalleled

standing as a host of major events and our aspiration and determination to continue to lead the world in this field.

What a sweeping statement! If one looks at what this bill — —

Mr Noonan interjected.

Ms ASHER — 'True', said the new member for Williamstown. It was not always his party's view. What this bill actually does is suspend the following acts: the Planning and Environment Act, the Heritage Act, the Environment Effects Act, the Coastal Management Act, the Crown Land (Reserves) Act, the Land Act and the Building Act, and — again, interesting, given the debate about the grand prix — provisions of the Health Act and the Local Government Act can be suspended in relation to noise and light. The member for Albert Park might like to take note of that. There is also provision to suspend the Local Government Act. One of the fundamental points about this bill before the house is that a whole range of acts are able to be suspended for major events, and we support that. We on this side of this house have always supported that. We supported that vigorously when we secured the grand prix for Melbourne.

However, I want to take the house back to comments made by the former Deputy Premier, Mr John Thwaites, on 7 October 1994, when he specifically addressed the issue of the suspension of acts to allow major events to take place. One of the problems in this chamber is that there are people here who have no corporate knowledge. There are people like the member for Mill Park who believe the ALP's own rhetoric, but it was opposed to this type of legislation in 1994. It was so opposed that the former Deputy Premier said the following on 7 October 1994 in relation to the grand prix act:

The legislation is arrogant and antidemocratic and trespasses upon people's rights and freedoms.

I remind the house that this is the legislation that the current Minister for Sport, Recreation and Youth Affairs is now boasting is the most comprehensive major sporting event legislation in the world. The former member for Albert Park, who was also the former Deputy Premier, no less, also said:

The legislation cuts across ordinary rights which we as citizens have come to respect. It removes safeguards which normally ensure that the environment and our health are protected ...

According to the Labor Party in 1994, the Australian Grand Prix Corporation had been put:

... above the laws which apply to ordinary citizens.

This bill puts those rights in place for every single major event. That is not a problem on this side of the house. We supported them in 1994; the Labor Party opposed them. The former Deputy Premier went on to say that the bill for the grand prix:

... creates, in effect, a state within a state — a state where there are laws that you would not expect in a democracy.

The piece de resistance is:

They are the sorts of laws that a tin-pot dictator would be proud of ...

Now we have the current Minister for Sport, Recreation and Youth Affairs saying these are the best laws in the world, but in 1994 the ALP's view was that these were laws that a tin-pot dictator would be proud of. Yet again we see the fundamental difference between what the Labor Party does in opposition and what it does when it gets into government. I am pleased the Labor Party supports Victoria's policy for major events because there is a significant economic benefit for the state from major events. Major events bring a host of international and interstate tourists. We do not have Sydney Harbour; we do not have the Great Barrier Reef. We in Melbourne have had to carve out a tourism policy based on a range of different things — on retail and on major events. I see that the previous Minister for Community Services is also in the chamber.

Whilst I have indicated I am very happy for the Labor Party to bring forward legislation like this, I note this was not always its view. The Labor Party fought tooth and nail against major events. The current Attorney-General, the Deputy Premier, called them bread and circuses. He railed against them. He railed against provisions of the type in this bill which introduce the no-compensation clauses. Those are the clauses the current Deputy Premier railed against in opposition. I strongly support the government's major events policy, because it is the policy of the previous government. This is a policy that spearheaded Melbourne's renaissance in tourism. This is a very important policy, and it is very important to indicate that the opposition does not oppose this bill before the house. The opposition put forward legislation like this when it was in government. But key members of the government, the current Deputy Premier and the former Deputy Premier, railed against the legislation. They blocked and opposed it at every juncture. The Labor Party has now changed its tune.

Ms GRALEY (Narre Warren South) — It is a pleasure to be standing here today to speak on the Major Sporting Events Bill 2009. I am pleased to hear that the opposition is supporting the bill, because we

have heard opposition members in recent months talking down the major events and tourism strategy. As one of the members of the government, I am very proud to see that Tiger Woods will be coming to Victoria. I am very keen to be speaking tonight on this important bill. It is a much-needed and groundbreaking piece of legislation, as the minister said, even though some people on the other side would prefer to scoff at his comments. In fact what we have here is a major consolidation or rationalisation of three acts into a simple and comprehensive piece of legislation.

We all know that major events are very important to the Victorian community and the Victorian economy and that they have been an essential part and an inspirational part of Victoria's history. I am a very keen sportsgoer. I attend many events, and I enjoy them, as I know many families in Victoria do too. Attending sporting events — especially AFL (Australian Football League) games — is a great way of enjoying episodes with your family and keeping families together.

Mr Noonan interjected.

Ms GRALEY — I could not wait for the season to start. The member for Williamstown and I share a passion for the same fabulous Western Bulldogs Football Club. I am very pleased that this legislation takes into account the AFL final series as well. I am also pleased — and I imagine the AFL is too — that this legislation takes steps to prevent ambush advertising at the AFL final series. I know that has been a major concern to the clubs, to the league and also to advertisers — those good ones that want to support the clubs and the league and have been undermined in the past by ambush advertising.

The bill also makes additional types of protection available to major sporting events, and I especially emphasise the prohibition on the unauthorised use of event logos, images and references. We all know that clubs and sporting event organisers spend a lot of time getting their image and their branding correct, so providing some protection for that is a very good step in the right direction.

I am pleased to see that the bill has received wide consultation. It has been sent out to a wide range of groups in the community, including local government. Whilst this has caused a slight delay, I think it will be a better bill that will produce better outcomes as a result of the extensive and wide-ranging consultation it has received.

I have one concern, and I have raised this issue before. The way the provisions of the bill are implemented is

important. I would like to put on the record that being a keen Bulldogs supporter, as I have indicated, I have had cause to go to a number of 300-game celebration matches in recent years, and my kids have taken great delight in producing big, colourful banners with great slogans on them in recognition of players. It has been a great time in our household as we have put these banners together, and I put on the record my concern about making sure that kids can still participate in that sort of activity in the future. It is important that we do not go too far in trying to prohibit them from getting involved in the spirit of the game and getting out there and putting their point of view across.

There was a photo of my own kids on the front page of the *Age* holding a big banner that said 'Better than a Brownlow' at Chris Grant's 300th game. I can assure members that that photograph sits very proudly amongst our family photos. I notice that the regulations state that flags or banners larger than 1 metre by 1 metre or with a handle longer than 1 metre may obstruct the views of other paying patrons or present safety risks to spectators, so there is some concern with trying to limit their size. I notice also that patrons may be able to negotiate authorisation of large flags or banners with the venue manager or event organiser where it is safe and appropriate. I hope that in an endeavour to ensure that patrons have a good time and to encourage spectator involvement we do not make it too difficult for people to get that authorisation from the event manager or event organiser.

Mr Noonan interjected.

Ms GRALEY — Yes. The member for Williamstown and I have a few big celebrations coming up, so we will need to get those banners made up again.

I am very pleased to support the bill, and, as I said, I am pleased that the opposition has got behind it as well. It is very important to the Victorian community and the Victorian economy that major events continue to prosper in this city. As has been said, major events are a major part of our tourism strategy. Not only do they make us very proud as Melburnians and Victorians, whether we be city dwellers or country dwellers, but they also put Melbourne on the map as the sporting capital of the world, and we are all very proud of that. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — The purpose of the Major Sporting Events Bill is to provide a legislative framework to facilitate the staging of major sporting events in Victoria and to protect the commercial interests of those events. Fundamentally the bill is rolling three pieces existing acts into one

consolidated piece of legislation not only to look after what are already major sporting events in Victoria but also to provide a framework for any future sporting events.

At the outset I would like to congratulate former Premier Jeffrey Kennett, Ron Walker and the former Minister for Tourism and minister responsible for the grand prix, the current member for Brighton, who together fundamentally spearheaded the revitalisation of major events and the economy in this state through a major events and tourism strategy. I do not think any of us in this house or anybody in Victoria should forget the leadership that was provided by Jeff Kennett and Ron Walker, the risks they took and the criticism they copped. I think we can all see, 10 or 15 years later, the enormous benefits of a consolidated major events strategy on tourism, jobs and the economy in this state. Indeed we are seen as the world leader in terms of major events.

I would also like to briefly highlight the hypocrisy of the Labor Party. It is extraordinary to me, because I remember being in this house when the former Kennett government introduced legislation to facilitate holding the grand prix at Albert Park. The Labor Party, including the then member for Albert Park, who led the objections to the proposal, was then in opposition; the current Premier was Leader of the Opposition and the current Deputy Premier was shadow Attorney-General. As the member for Brighton said, the legislation was described by them at that time as the work of tin-pot dictators, and it was seen by the Labor Party and the civil liberties people as representing the end of civilisation and the end of democracy as we know it. Indeed the Labor Party opposed holding the grand prix at Albert Park. When the current Premier, who has been skiting about the grand prix, was in opposition, he said that if the grand prix was going to be held in Melbourne, he wanted it to be held at Docklands. The Docklands grand prix — that is what he wanted! The enormous 180-degree turn the Labor Party has taken is absolutely amazing.

I welcome the Labor Party's conversion to an acceptance of the need for a major events strategy and legislation to support, encourage and facilitate major events. It is interesting that the Labor Party is now bringing forward this legislation and that many of its members are speaking strongly in favour of it, given that the Labor Party opposed it vigorously in the 1990s. I urge those members to read the *Hansard* record of debate on the issue at that time.

As shadow Minister for Racing I would like to recognise the inclusion in this bill of major racing

events, in particular the Caulfield Cup, the Cox Plate and the Melbourne Cup carnival, which includes the Victoria Derby, the Melbourne Cup, Oaks Day and Stakes Day. I would like to highlight the success of the Spring Racing Carnival. On 17 March Racing Victoria Ltd — —

Mr Pandazopoulos interjected.

Dr NAPHTHINE — I backed a few winners there too. Racing Victoria states in a press release that:

The 2008 Victorian Spring Racing Carnival generated \$549.8 million in gross economic benefit to the Victorian economy, according to the annual economic benefits report commissioned by Racing Victoria ...

It further states that:

The 2008 carnival attracted 93 847 overseas and interstate visitors — —

in addition to the hundreds of thousands of locals who attended the racing events during the spring carnival — a rise of 12.4 per cent in interstate and overseas visitors who contributed nearly \$100 million to the local economy.

This economic benefit comes from people attending the races but also from their retail expenditure. The article goes on to say:

More than \$40 million was spent on fashion in Victoria which could be directly attributed to the carnival.

I believe it highlights the enormous benefit the Spring Racing Carnival and racing generally bring to the state. It is important that we protect the success of our great Spring Racing Carnival from ambush advertising and protect the broadcast rights, as the people who pay for broadcast rights and for advertising are increasingly important to the financial success of these great events.

It highlights the importance of racing to jobs, tourism, the retail industry and the whole economy across Victoria. It begs the question: why is the government continuing to attack and undermine the grassroots of racing? Why is it trying to close down 19 country racing and training centres? Why is it trying to remove 51 country race meetings? Why is it threatening the very future of 11 race clubs in Victoria? That is what the government is doing. It is time we acknowledged that.

Country Racing Victoria chief executive officer Scott Whiteman said in regard to country racing:

In the past five years the attendances at country race meetings has grown by a staggering 24.8 per cent as more people

discover the great day out on offer at a Victorian country race meeting.

We have a massive increase in country racing, which is an important part of the total racing package of the spring carnival, yet this Labor government has presided over and implemented a decision to close seven harness racing tracks in country Victoria in 2005. In 2008 it cut or downgraded 28 country race meetings across country Victoria. Now Racing Victoria and the Minister for Racing are threatening the future of 19 country training centres, 51 country race meetings and 11 country racetracks. No wonder we see the following comments on the website of Adam Sangster, a prominent thoroughbred breeder:

Not everything, however, is rosy. Sangster is worried about the proposed closure of certain country training tracks. 'One hopes that the state government and RVL consider the implications here very closely. There are a lot of small trainers and owner-trainers based at country racecourses and they probably account for 30 yearlings a year out of the Melbourne sale. If their tracks are closed down then we might lose those buyers from the market and that would be disastrous.

The government would undermine thoroughbred breeding in Victoria; it would undermine country communities, country jobs and country economies if the government's proposal to close down country training centres and country races were adopted.

One of the purposes of the bill is to promote the acquisition of major events. One of the ways we can have more major events is by having our own home-grown events turned into more significant major events. I urge the government to take on board the opportunity to boost the May Racing Carnival in Warrnambool to major event status. The Tabcorp May Racing Carnival is famous and has \$3 million in prize money. It has the time-honoured Grand Annual Steeplechase, which this year will be sponsored by the Flying Horse brewery. The government should seize the opportunity to turn the Warrnambool May Racing Carnival into a major event. It could do that by assisting the Warrnambool Racing Club with additional prize money for the jumping races — the Brierley, the Grand Annual Steeplechase and the Galleywood hurdle to attract Japanese and English steeplechasers and hurdlers to compete in Australia. That would internationalise the race.

The same thing was done with the Melbourne Cup 20 or 30 years ago. Internationalising the Melbourne Cup added prestige and value to that event. It made the Spring Racing Carnival an even better, bigger and stronger event. There is a real opportunity to do the same with the Warrnambool May Racing Carnival. It is

a fantastic event, as the former Minister for Racing would testify. It is a great event. It has massive crowds and a great deal of interest, but we can now take it to the next level. I urge the government to get on board with the Warrnambool May Racing Carnival and turn it into a major sporting event. I urge it to make sure we can attract international competitors from England, Japan and Ireland to make the carnival an even better event so that it goes from being a significant regional event to being a major international event.

Mr EREN (Lara) — I am pleased to speak on the Major Sporting Events Bill 2009. I will keep my presentation brief, not only because there are so many other speakers to follow, but also because there is another major event that is taking place as we speak, the Socceros are playing Uzbekistan in a World Cup qualifier. The last time I checked the score was nil all. In the last 10 years we have seen international interest in Victoria's sporting and recreation facilities rise at such a rate that we are now discussing a bill to link the management processes for our growing major event tourism industry. I do not think many would dispute the fact that Victoria is well known as the major events capital of the world. Geelong has had its share of major events and it continues to have its share of major events.

We had the Commonwealth Games in 2006, during which the basketball competition was held in Geelong. We have sailing, cycling, swimming and surfing events, not to mention the Australian International Airshow at Avalon. The airshow is one of the major events not only in this state but nationally as well. Only a couple of weeks ago it attracted over 165 000 people who braved the cold weather to attend that magnificent spectacle. In Geelong we are very proud of the airshow, which is a great boost to the economy, particularly for jobs. We welcome it every time that event takes place.

The Australian Masters Games were recently held in Geelong. They were a huge success and attracted over 7000 participants in 63 sports across 70 venues around Geelong. Needless to say, those games contributed greatly to the economy, and I will speak further about the games later in my contribution.

A lot of major events have taken place around Victoria, and I want to mention one other on which the Minister for Tourism and Major Events released a press release today — that is, Melbourne's bid for the Running of the Bulls. I do not know that I would want to participate in the Running of the Bulls, but it is good to see that the government is continuously looking for major events it can hold in Melbourne or throughout Victoria. This week, as we all know, the grand prix has taken place in

the streets of Melbourne. It drew massive international interest and took Melbourne to the world. Organising such an event means coordinating tram services, traffic management, security services and marketing.

The importance of major events, such as the grand prix, for Victoria's future cannot be overestimated; the grand prix attracts over 300 000 people to what is now the undisputed major events capital of the world. It provides jobs in accommodation, hospitality and the construction industry as well as extra patronage on public transport and unrivalled press coverage.

The grand prix is but one example of how we can make this city come alive and make it the home of some of the greatest events in the world. This bill recognises that and is designed to have the government work with the major events industry to make the processes more consistent, to attract further events and to protect the rights of events advertising.

Most importantly, allowing the Governor in Council to make orders on the advice of the minister will make the creation of events-specific legislation a thing of the past. We have had great opportunities to trial event management on a massive scale in Victoria through the ongoing grand prix, the world swimming championships and the Commonwealth Games. These events have allowed us to finetune our practices, making them truly world-class; and that has not gone unnoticed. Having said all of that, I commend the bill to the house and wish it a speedy passage.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I rise to speak briefly on the Major Sporting Events Bill 2009. I pay tribute to the former government and to the former Premier, Jeff Kennett, for their vision and support for major events in this state. If it were not for former Premier Kennett, Melbourne and Victoria would be behind South Australia and New South Wales in that regard.

However, I find it fascinating that members opposite have changed their views and made an 180 degree turn in now supporting major events in this state. Let us not forget that when they were in opposition, they were critical of the former Premier. They were critical of major sporting events, because they believed they took away people's rights.

The Labor Party in opposition was opposed to the no-compensation clause in legislation. It opposed the closing of roads for major events and was opposed to any legislation, which, in the opinion of its members, took away people's rights. All of a sudden, when it came into government, it changed its tune and now

supports the grand prix. The then opposition opposed the grand prix and did not want it at Albert Park. If you were now to attend the grand prix you would find, I suggest, half of the members opposite attending on a free ticket simply because they enjoy all that comes with government, including the chauffeur-driven cars.

The bill before the house aims to bring together all of the components of event management into one piece of legislation and at the same time address the issue of unauthorised broadcasting and other commercial issues. The bill attempts to ensure that Victoria, and especially the Melbourne sporting community — the envy of many around the world — continues to maintain its worldwide reputation and have its integrity protected.

The major events in Melbourne are widespread and varied, and there are even some major events which are not captured by this legislation. They include the Australian Open, the Formula One Australian Grand Prix, the Australian Football League (AFL) Grand Final, and the Spring Racing Carnival. I will also include the Melbourne International Flower and Garden Show and the Melbourne Fashion Festival in that list.

The main provisions of the bill are to consolidate three existing items of general legislation relating to major sporting events. There are some additions to existing legislation, such as the inclusion of the AFL final series in the list of the events protected against ambush advertising.

In relation to the latter point, it is important to note that when this provision was canvassed, the government then thought ambush advertising was not an issue, that it was not a problem. It was not a priority for this government. In fact the Minister for Sport, Recreation and Youth Affairs was quoted in the *Herald Sun* of 12 December 2006 as saying:

While we understand ambush marketing is an important issue it is not a priority for the government ...

There was a public outcry, the Premier stepped in and within 24 hours, this was changed; the government introduced legislation to deal with ambush marketing. At the time the bill listed eight events, specifying the times, dates and venues that it would affect. However, the minister could also declare any other event to be a specified event.

It is very important that ambush aerial advertising be stopped. We have the football grand final, and we will have a second soccer team in Victoria, the Melbourne Hearts — or they might be called the Melbourne city soccer club. That will give us two clubs in Victoria, and we might have a grand final in Victoria between two

Melbourne teams, which would be enormous. The supporters would enjoy the game, and the financial backers who are putting up the money need to ensure that their money is protected. Therefore aerial advertising should be dealt with legislatively, and this bill goes some way to achieving that.

Another part of the bill deals with crowd management. As all members know, when you take your family, including your children, to a sporting event, it is important that they can sit and enjoy the game without worrying about the actions of others who might be under the influence of alcohol. This bill allows for the removal of a person causing 'unreasonable disruption or unreasonable interference' to spectators or event organisers rather than just 'annoyance to spectators', and this is very important.

The bill also gives the minister the ability to temporarily close or modify roads. As I said earlier, when in opposition the members of this government opposed any legislation that the Liberal-Nationals coalition government attempted to bring in to do this. They felt it would take away people's rights. They have now changed their views and are introducing legislation which does exactly the same thing.

We support this bill; we do not oppose it, but it is unfortunate that the government has taken so long to introduce it. The government was in opposition for such a long time and decided to oppose everything that the former government wanted to do or even did. With those few words, I do not oppose this legislation.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise and speak in support of the Major Sporting Events Bill. It has been said by almost all members speaking on the bill that Melbourne and Victoria are the indisputable homes of major sporting events in Australia. Some, such as *SportBusiness International* magazine, recognise Melbourne as the sporting capital of the world.

Mr K. Smith interjected.

Mr NOONAN — I appreciate the member for Bass's interest in my contribution, but I am a bit perplexed by his interest.

Each year Melbourne and Victoria play host to many world-class sporting events, such as the Melbourne Spring Racing Carnival, international cricket, the Boxing Day test, Australian Football League (AFL) Grand Final, the Australian Open tennis, Bledisloe Cup Rugby Union, and — the member for Lowan will be happy that I recognise it — the Jayco Herald Sun cycling tour; also the Bells Beach Rip Curl Pro surfing,

the Phillip Island MotoGP and even the Easter Stawell Gift. Anyone who might doubt Melbourne and Victoria's interest in and obsession with sport need only turn up next Sunday morning in the central business district area where about 30 000 runners and walkers will take part in the Run for the Kids event, which continues to grow in stature. I will certainly be one of them.

There are also many one-off events such as the soccer World Cup qualifiers, the World Swimming Championships and the 2006 Commonwealth Games. Melbourne will again host the upcoming Australian Masters golf at Kingston Heath, at which as we now know the great Tiger Woods will be competing, making his first visit to Australia in over a decade. As I understand it, many of the hotels around town are already taking bookings for that event, which will add a tremendous amount to the Victorian economy during that period.

Looking forward we can conceive that Melbourne may host even greater events including the 2018 or 2022 soccer World Cup.

Mr K. Smith interjected.

Mr NOONAN — Nor will you! These events bring far-reaching economic and social benefits to our state, contributing well in excess of \$1 billion annually to the Victorian economy. As the member for South-West Coast alluded to in his contribution, recent data released by Racing Victoria reveals that last year's Spring Racing Carnival alone generated almost \$550 million in gross economic benefits to the state. The 50-day carnival attracted 94 000 overseas and interstate visitors to Victoria, with overseas visitors spending an average of 6.3 nights and interstate visitors 2.4 nights here.

Local attendees at the carnival make massive contributions to our retail and hospitality sectors in particular. A recent report in the *Herald Sun* detailed a remarkable set of statistics that show 50 000 new hats, 40 000 new pairs of shoes, 44 000 new dresses, 23 000 new handbags, 22 000 new pieces of jewellery — and this will interest you, Acting Speaker — even 11 000 new items of underwear were purchased for the Spring Racing Carnival. That is economic stimulus!

This type of indirect spending provides irrefutable evidence that major sporting events are crucial to the Victorian economy. They are also central to what makes Victoria a great place to live. Victorians love their sport and big events, and they frequently turn out in massive numbers to support them. We need only

look at round 1 of the AFL footy last week, when the Richmond versus Carlton match attracted almost 90 000 people for that home-and-away game.

The ongoing success of these events relies on significant state government support. However, these events also rely on support from the private sector through advertising. To ensure their continuing support we must act to maintain an environment that is conducive to the ongoing financial viability of these events. That is where this bill is so very important. It improves outcomes for the staging of major sporting events, because it brings all pieces of relevant legislation currently in place into the one. The bill also deals with some emerging issues such as unauthorised broadcasting and other commercial issues of relevance.

As the minister said in his second-reading speech, the Victorian Parliament has already passed legislation to facilitate the holding of major sporting events such as the Formula One Grand Prix, the MotoGP, the Commonwealth Games and the World Swimming Championships. Other specific pieces of legislation have also been passed in relation to issues relating to major events, such as ticketing, crowd management and aerial advertising, which has been referred to by other speakers on the bill.

Consistent with the government's reform legislation policy to reduce the number of acts on the statute book, this bill seeks to address these issues under one act and therefore proposes to incorporate the existing provisions of the Major Events (Aerial Advertising) Act, the Major Events (Crowd Management) Act and the Sports Event Ticketing (Fair Access) Act. This will improve the transparency and accessibility of major events legislation and facilitate greater administrative efficiency.

The new bill will deal with a number of significant issues which have been spoken about by previous speakers, the first being the unauthorised opportunistic attempts to exploit these events through unauthorised broadcasting, unauthorised use of event logos and insignia, and misappropriation of sponsorship and advertising opportunities. We have seen a bit of this at the Rip Curl surfing classic at Bells Beach, where some of the footage appeared quite quickly on the internet during the course of the event.

The bill improves crowd management provision to more closely reflect the Charter of Human Rights and Responsibilities by changing, critically, a number of words in the clause relating to the removal of unruly patrons, from those who are an 'annoyance to spectators', which is the current term, to a person

causing 'unreasonable disruption or unreasonable interference' to spectators.

The bill will provide limited protection for events against claims for loss or damage, other than for death or personal injury, for economic compensation. It also allows for the prohibition of certain equipment such as public address systems, electronic equipment, broadcasting equipment or similar devices which may interfere with equipment being used to run an event.

The bill makes provisions for improved operational arrangements such as a power to remove vehicles and vessels at an event venue or event area and to make temporary road closures and modifications. The bill also provides for the restoration of event venues and event areas at the conclusion of an event.

I want to emphasise that major events are the backbone of our tourism and hospitality industries here in Victoria. We do not have a harbour or an opera house; we do not have a rock or a reef, but we do have our major events, and more specifically our major sporting events.

Mr Trezise interjected.

Mr NOONAN — As the member for Geelong says, we also have a good supportive state government in terms of promoting these events.

In conclusion, I am very pleased to support this bill. As the minister said, if this bill is passed, it will be the most comprehensive sporting-related legislation in the world. It will send the strongest of messages to all the stakeholders who support big sporting events in Melbourne and Victoria. It will say that the government is absolutely committed to every possible piece of support in terms of staging world-class sporting events in Melbourne and Victoria. I congratulate the hardworking minister for bringing this bill to the house and for being a committed supporter of major events in this state. I commend the bill to the house.

Mr HODGETT (Kilsyth) — I am pleased to make a contribution to debate on the Major Sporting Events Bill 2009 and to state at the outset that the opposition is not opposing the bill. As has already been said by a number of speakers, the purposes of the bill are to re-enact with amendments and consolidate into one act the law relating to major sporting events and event venues; to repeal three acts — the Major Events (Aerial Advertising) Act 2007, the Major Events (Crowd Management) Act 2003 and the Sports Event Ticketing (Fair Access) Act 2002; and to consequentially amend other acts. Put simply, the bill consolidates into one act three existing acts relating to major sporting events and

event venues, and we have no problem with that. It streamlines the bureaucracy, so that is a good thing.

A second provision is that other acts may be suspended to facilitate the delivery of a major sporting event. There are some additions to existing legislation such as including the AFL (Australian Football League) finals series in the list of events protected from ambush aerial advertising. Who could forget the ambush aerial advertising bill the minister introduced into this house in February 2007? We all agreed then that Victoria is Australia's leading host of major events, and we recognised the importance of major events to the Victorian economy. I am proud of Victoria's reputation as a host of major events that are a benchmark for the rest of the world.

I think we all agree that we need to prohibit ambush aerial advertising at major events in Victoria in order to preserve an attractive commercial environment for our event organisers. You may recall that around the time leading up to that bill being introduced the Holden blimp appeared at the 2006 AFL Grand Final and subsequently visited events around the country. That basically led to the need for legislation to protect sponsors who pay millions of dollars to sponsor and support the major events here in Melbourne and throughout country Victoria as well.

This bill defines aerial advertising. It talks about skywriting or sign writing by an aircraft. It talks about a banner or another sign towed or attached to an aircraft. It makes mention of the matter displayed on a hang-glider, parachute or paraglider and mentions laser or digital projection of advertising and so on.

The bill also defines and lists events protected from aerial advertising, and I will go through a few of those because they are iconic events that we would all be familiar with: the Boxing Day test, the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the AFL Grand Final, matches in the AFL finals series, the Caulfield Cup, the Cox Plate and the Melbourne Cup carnival. There is also a final provision for 'an event specified in a major sporting event order as an aerial advertising event'. That provides an opportunity for the minister to identify any forthcoming or other events that may need that sort of protection.

I was particularly interested in clauses 37, 38 and 39 of the bill in relation to authorising the use of logos, images and references. Clause 37 provides that it is an offence to engage in conduct that suggests sponsorship, approval or affiliation. Clause 38 makes it an offence to use protected event logos or images or protected event

references without authorisation. Clause 39 talks about the meaning of ‘marked with logos, images or references’.

We can talk about ambush advertising, but it is particularly important to also look at the use of logos, images and references. As I said, sponsors spend millions of dollars to support and sponsor our major events, so we should also look at the use of logos, images and references. I am pleased to see that that has been captured in this bill, because I think it is just as important to protect brands and sponsors in relation to that also.

Another provision of the bill talks about crowd management provisions, which have been changed to allow for the removal of a person causing ‘unreasonable disruption or unreasonable interference’ to spectators rather than ‘annoyance to spectators’. Clauses 62 to 74 talk about managing crowd behaviour and outline offences including possessing prohibited items and possessing lit or unlit distress signals or fireworks. There are clauses dealing with alcohol, throwing or kicking projectiles, blocking stairs and exits, obstructing views and so on. I think the member for Bulleen mentioned the importance of that division in dealing with the management of crowd behaviour.

As a father with seven children — —

Ms Marshall — How many?

Mr HODGETT — Seven children. I speak as a family man who supports many of these major events and attends them from time to time when I am not at home doing fatherly duties — and when I can afford to! When I attend these events from time to time or my children do, it gives me some peace of mind to know that issues in relation to the management of crowd behaviour are being addressed.

People must do the right thing. I think most people do the right thing and it is often a minority that spoil the fun for the many, but these clauses set out community expectations on acceptable crowd behaviour. I also note that division 5 of the bill contains a number of clauses that deal with offenders, so again I welcome those, and it is good to see them included in the legislation.

There are a number of other provisions in the bill that provide for additional types of protection of major sporting events, such as commercial and operational arrangements, limited protection against claims for economic compensation and ambush marketing, as I have said. There are other protections, and requirements include the power of the minister to temporarily close or modify roads. There is a requirement for appropriate

restoration of event venues and areas. There is another provision that, if the minister considers it to be necessary and in the public interest, an order may be made that no compensation is payable in relation to a major sporting event other than for death, personal or bodily injury. There are other additional protections that largely correspond to the provisions for the Commonwealth Games and the world swimming events. The bill also has a sliding scale of requirements for accountability and parliamentary scrutiny depending on the contents of the major sporting events.

As the member for Lowan said, there have been a number of consultations in relation to this bill — with AFL Victoria, Melbourne City Council, the MCG Trust, Melbourne Cricket Club, Athletics Victoria, the Grand Prix Corporation, Cricket Victoria, Swimming Victoria, Tennis Victoria, state sporting associations, the Australian Motor Cycle Grand Prix, Racing Victoria Ltd, and Moonee Valley Racing — and they did not have a problem with the bill.

As I stated at the outset, we do not oppose this bill. It supports the acquisition, retention, staging and management of major sporting events in Victoria, and I commend the bill to the house.

Mr PANDAZOPOULOS (Dandenong) — I rise to speak on the Major Sporting Events Bill 2009. I have had an interest in the major events sector and its growth and evolution, and that is basically what this bill is about — a continuing evolution of the laws that relate to our major sporting events and that also help to reinforce the strengthening of events and policies.

Not long ago I was involved directly as shadow minister for sport in 1996 and between 1999 and the end of 2006 as the minister responsible for major events, and we saw that sort of evolution. As other members have said, we have seen a massive growth in the number and size of major events in this state. One thing that we on this side always do is remind everyone that it was a Labor government, the Kirner government, that started the Victorian Major Events Company and appointed Ron Walker as its chairman. As we all know, politics is all about good timing, and the reality is that for Jeff Kennett it was good timing to pick up the infrastructure that was being put in place. He expanded on it, and that is very important. We support that, and under the Labor government there has been a further expansion into additional major events, a big growth in regional events and a growth in cultural events that we had not seen in the past.

In the regulation and promotion of major events we have seen the need to protect the value of those events

because the government is a major investor in them and we must protect the value of the events through the aerial advertising or ambush marketing provisions or even provisions on crowd management. They are some of the issues that we have learnt about over time through the Commonwealth Games and the equity formula around sports event ticketing, which ensures the egalitarian perception that we have of our major events that really any punter can go to them. That is unlike most other major events in the rest of the world where ticket prices are excessive, tickets are few and ticket sales are not regulated, so therefore only those in the know or who have plenty of money get to go to major events. Australia has the reputation of being accessible and the sports events ticketing provision is a core part of assisting us in regulating that area, and that is why I strongly support this bill.

We had to do it. Governments do not like regulating just for the sake of it, but there has been ambush marketing in both aerial and other forms with events in Victoria and overseas. Yet Victoria has the best reputation, and no doubt when we regulate these areas in Victoria it will become model legislation for other jurisdictions around the world that find it considerably harder to deal with some of such issues than we do.

I would like to talk a little more around the need for protecting intellectual property rights around ambush marketing, particularly in a tight global financial environment. In recent years the sponsorship available generally for any sort of sport has been tight and no doubt will get even tighter. This sends a very important signal to sponsors that the Victorian Parliament and the Victorian government value the sponsorship support that is provided to major events because that hard cash provided by sponsors helps to reduce the cost of running events in Victoria for the event organisers and also the cost of the state government's contribution to enable it to keep bringing events here and to keep protecting those events.

It is really important that we do not undervalue that, particularly in this financial climate. Sponsors raised these issues with me when I was minister, and we included those provisions for the Commonwealth Games and the world swimming championships and promised to do more work, which saw us deliver the Major Events (Aerial Advertising) Bill. That is the sort of thing sponsors want to see — a government that is ready to take action on things that normally would not be regulated because there is a broader public interest.

The last thing we want to do is lose our good reputation. We do not want sponsors to think they cannot put sponsorship in because government does not

protect them, which would mean we lose sponsors and major events, or our operating costs go through the roof. The proof of the value of major events is to see what is happening in tourism numbers here at the moment.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Doncaster electorate: services

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the attention of the Treasurer. The action I seek is for the Treasurer to deliver funding in the upcoming budget for facilities and services to Doncaster that residents need and deserve. This Brumby government is letting down Doncaster residents in many ways, including provision of health services, public transport, roads and taxes.

Doncaster residents want to know that when they need to access our public health system, the hospital facilities will be modern and efficient. Despite the best efforts of doctors, nurses and other staff, Box Hill Hospital's old and inadequate facilities cannot cope with growing numbers of patients, including elderly patients and young families. The preliminary works are completed and everyone is ready to proceed, but the government has not provided the funds to do so. The community can no longer be fobbed off with vague government claims that the project will be funded at some time. The government needs to rebuild Box Hill Hospital now.

Doncaster residents do not want to ride in buses that are overcrowded and run infrequently. Our strong advocacy on the limitations of our current bus service finally prompted the government late last year to introduce some additional services, but not nearly enough has been done. One resident reported that it takes him nearly an hour and three buses just to get to Camberwell, while another said it takes him half an hour to get the 5.5 kilometres from his Doncaster home to Box Hill, where he catches the train.

Sir Rod Eddington's report to the government recommended much improved Doncaster bus services, including 5 minute peak hour frequencies and 6.00 a.m. to midnight weekend services. The government has not come close to delivering on those recommendations and has to do better. Doncaster residents want to drive

on roads that do not resemble those in Third World countries. This is particularly the case on the arterial roads, King Street and Springvale Road in my electorate, which fall under the responsibility of VicRoads and the state government.

Ms Beattie — On a point of order, Acting Speaker, it is my understanding that on the adjournment debate only one matter can be raised, and the member for Doncaster has already asked for money for hospitals, is now asking for public transport funds, and then for roads.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The honourable member for Doncaster asked for funding to be delivered for Doncaster, so the member is in order.

Ms WOOLDRIDGE — Safety audits on both roads last year identified a disturbing number of problems that need to be fixed.

Land tax is also a major issue for many of my constituents. Residents are ringing my office, distressed about the bills they are faced with. One resident's bill has skyrocketed from \$840 to \$1700 in a year. They believe it is unfair and unreasonable to be placed in financial hardship as a result of the punitive methodology used to calculate land tax. Like the rest of the Victorian community, Doncaster residents believe they are missing out as this government fails to deliver on crucial services such as good local health services, reliable and regular public transport, safe roads and a fair land tax system.

Put simply, this government has not delivered, and there are no more excuses. The upcoming budget is an opportunity to address this, and I call on the Treasurer to deliver for the Doncaster community.

Williamstown electorate: tennis clubs

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I request of the minister is that he support a funding application made by the Hobsons Bay City Council on behalf of the Brooklyn, Power Street and Williamstown Central tennis clubs to install new energy-efficient tennis court floodlights. This funding has been sought by application from the Sport and Recreation Victoria community facilities funding grants program.

I am pleased to say that this government has already been particularly supportive of both the Brooklyn and Power Street tennis clubs. Both clubs benefited from the enormously popular drought relief funding program

in 2008. This program essentially saved both clubs by funding them to replace their en-tout-cas courts with waterless, synthetic surfaces. Both clubs had suffered a drop in membership due to the poor condition of their court surfaces.

I had the opportunity to visit the Brooklyn Tennis Club last year, both before and after the courts were resurfaced. It was clear that the club had been doing it pretty tough for some time, with just two of its four courts barely fit for use, and membership having fallen by about 70 per cent in just two years. Had the two remaining courts at Brooklyn not been resurfaced, I think it would be fair to say that this proud club would not have survived. The new, drought-proof, all-weather surface is fantastic, and the Brooklyn Tennis Club is already attracting new members, as is the Power Street club in Williamstown.

The installation of new floodlights will further enhance the facilities at the clubs and increase the capacity for further tennis activities, including competitions, coaching, training and social tennis. The extended operating times will also increase opportunities available to non-club members from the community who wish to use the facilities. It should be noted that the courts are all situated in close proximity to local schools, and the clubs have developed links with a number of them, offering their facilities for training sessions and inter-school and intra-school competitions.

The project proposes to utilise a number of environmentally sustainable design features. Electricity consumption will be reduced through the use of energy-efficient globes. Also, spill of light will be reduced by using a side level lighting system, thereby enabling the use of fewer globes to achieve high-intensity lighting levels.

Any opportunity to extend our community's access to sport, recreation and social interaction is to be welcomed. Therefore it gives me great pleasure to support this project, and I encourage the minister to look favourably upon this grant application.

Rail: V/Line services

Mr WELLER (Rodney) — I wish to again raise for the attention of the Minister for Public Transport the issue of country schools being prevented access to public transport services. The action I seek from the minister is to commit adequate funding to enable V/Line to accommodate all group bookings by country Victorian schools on trains and coach services.

As the situation currently stands, V/Line refuses to accept some school group bookings on the grounds that they may 'displace other regular public commuters from accessing the service'. Not only does V/Line refuse to allow country schools to access some services but funding constraints prevent it from arranging additional coach services or additional carriages on trains to accommodate the booking.

In July 2008 I raised this very issue with the minister when V/Line refused to honour a booking for 120 students in the Rodney electorate to travel to and from Geelong for a school camp because it could not accommodate the numbers. I asked the minister to review the matter, but here we are, some eight months later, and the situation remains the same.

V/Line's public relations department continues to run the line that V/Line is not a 'charter service' and that if it accepts a school group booking, other passengers will be prevented from using the services on those days. Just this week a school in my electorate has been forced to cancel an excursion to the children's memorial Anzac service in Melbourne on 23 April as V/Line has refused to accept a booking for 27 students on a coach from Echuca to the Murchison East train station, because those seats are for 'the public'. I am also aware of a school in the Benalla electorate, the Bright P-12 school, which is faced with a similar situation. V/Line refused to accept a booking for 40 students from a country school in that electorate, again on the grounds that it may displace other public commuters.

What a ludicrous state of affairs! We are talking about a public service. Does the Brumby government not consider school students to be members of the public? This is a completely unsatisfactory situation, and I urge the minister to investigate a viable solution to assist country schools to continue to have the opportunity to take part in excursions to Melbourne.

Honourable members interjecting.

Mr WELLER — It is obvious from the interjections that members opposite do not understand the issues with country schools.

Epping Road–Craigieburn Road East–Lehmans Road, Wollert: intersection

Ms GREEN (Yan Yean) — Tonight I wish to raise a matter for the attention of the Minister for Roads and Ports, and the action I seek is for him to request VicRoads to undertake an urgent examination of safety at the intersection of Craigieburn Road East, Epping Road to Kilmore, and Lehmans Road. I am sad to

report that on Monday a shocking collision occurred at this intersection during the morning peak hour, resulting in the death of a truck driver.

I have long campaigned for road safety in the Yan Yean electorate, including at this intersection. In 2005 this campaigning resulted in an upgrade along this section of Epping Road, with shoulder improvements and line marking, and also the installation of warning signs, including reduction-of-speed signs about 200 metres from the intersection, as well as directional signs and signs indicating there is a stop sign ahead. In the lead-up to that upgrade there had been three crashes in 2004 and five in 2005. Fortunately none of these resulted in fatalities or serious injuries.

Following upgrades in 2006, 2007 and 2008 there were no collisions. As a result of the appalling collision and fatality on Monday the wonderful volunteers of the Wollert Country Fire Authority, who have had more than their fair share of work over the summer, turned up to the horrific scene.

Given the urban growth in that area I would very much like the examination by VicRoads to look at whether or not, given that the intersection is on the edge of the urban growth boundary, it may be time for the 100-kilometre speed limit to be lowered on one or both of those roads. It may be that there is also a need for rumble strips or other treatment at the intersection.

I urge VicRoads to have discussions with the local council, because Lehmans Road, which runs off the other end of that intersection, is a local road within the city of Whittlesea. I urge the minister to have VicRoads look at this matter quickly so that safety at this intersection can be assured for locals following this traumatic occurrence.

Planning: growth areas infrastructure contribution

Mr K. SMITH (Bass) — I wish to raise an issue for the Minister for Planning. I ask that the minister reconsider the stupid action he is responsible for in relation to the proposed growth areas infrastructure contribution that will push Victorian developers and landowners to a point of either bankruptcy or withdrawing their properties from the market for years to come, if they ever put them on the market — all because of a crazy grab for money by the minister and the cash-strapped socialist Brumby government. I ask that the minister advise his lefty ministerial colleagues that this is not the way to go and to abandon this stupid plan.

This plan will cost jobs and stop new developments in the growth corridor. The growth area infrastructure contribution is \$95 000 per hectare, which is to be paid up front by landowners or developers who have purchased or sold land in the urban growth boundary since 2005, including in that year. This is land that farmers or developers have held and that has been brought into the urban growth boundary by this devious government. The landowners, including farmers, who have been rounded up into the urban growth boundary since 2005 and who had hoped to sell their land and retire or buy a smaller farm and develop their home on a couple of hectares, will now have to pay \$95 000 up front on all of their land-holdings or put the price of their land-holdings up to cover this unfair tax, which in turn may cause the land to be too expensive for potential developers.

Let us put this in simple terms. People who have had, say, 200 hectares of land will have to ask for \$19 million on top of the asking price for their land, which may in turn put them out of reach of developers. Alternatively, if a developer buys the land, they will have to pass on the cost to first home buyers, who will then have to purchase the land at a cost of up to \$6500 per housing lot more to cover the cost of the Brumby government's new tax. Some people on the other side of this chamber will say that is okay. Some of the money — 50 per cent — will go to developing important infrastructure projects in the area, and 50 per cent will go into the Growth Areas Development Fund, which will become a slush fund for the Brumby socialist government to throw around at election time.

This is only a proposal at this stage, because the government has not yet had the courage to bring the legislation to Parliament to cover this new tax. I spoke about small land-holdings and about developers, but there are also large land-holdings, such as the Lockerbie development planned for Beveridge, which involves 1100 hectares and would attract an immediate up-front payment of \$104.5 million to the government, not paid as each — —

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

Planning: Alphington site

Ms RICHARDSON (Northcote) — The issue I raise is for the attention of the Minister for Planning. It concerns the Yarra City Council's appalling decision to ignore the risk of inappropriate development proceeding on the Amcor site in Alphington without regard to the community's views about the future of this site. I call on the minister to take immediate action

to ensure the community's interests are protected against unrestricted development.

Amcor's decision to sell its site in Alphington without seeking an application to rezone the land prior to sale has opened up the possibility that development on this 16-hectare site will be fragmented and contrary to community wishes. This is because one-third of the land up for sale is already zoned residential 1 with few, if any, real restrictions on the kind of residential buildings that could be built there. The remaining two-thirds of the land is zoned industrial, except for the strip of land that provides a buffer between the residents living east of the Amcor site and the site. It is precisely this strip of land that parents with children at Alphington Primary School and Yarralea Children's Centre have identified as the best location for a second school campus and children's centre next to Alphington Park.

New education and preschool facilities will obviously be required if new residential properties are built on the Amcor site. Without the appropriate planning restrictions being applied to the whole of the site there is little or no guarantee that the appropriate infrastructure and services will be incorporated as part of this development. Moreover, residents will have little or no say over the kind of residential buildings to be constructed.

I understand there is strong interest in the sale of the Amcor site, with expressions of interest closing on 16 April. The decision last week by the Yarra Greens councillors to ignore the risk that this site will be developed in a piecemeal way and contrary to the community's vision was reckless and reprehensible. They have completely shirked their responsibility as councillors, ignored the views of residents and left the community of Alphington exposed to an inappropriate development.

Prior to this woeful decision, Yarra council officers were exploring the option of the minister implementing a DPO (development plan overlay) over the site to enable the task force established by the council to oversee the development of a master plan. I shared residents concerns that a DPO restricted community consultation and the opportunities for appeal.

Moreover, we needed greater scrutiny of the development of the master plan. In a response to my letter, the Minister for Planning agreed and suggested that the council explore the option of an IPO (incorporated plan overlay) rather than a DPO. Last Thursday Yarra Greens councillors rejected this option and ignored advice from their own council planners and

the plea from other Yarra councillors to give the IPO option greater consideration before rejecting it outright. On Monday this week the Alphington Paper Mill Action Group, the local resident group that is concerned about the future of the site, called on the council to request the Minister for Planning to establish an IPO as soon as possible. The problem is that Yarra councillors are not scheduled to meet again until after 16 April.

I therefore call on the minister to act to install an IPO for the whole of the Amcor site. I ask too that he encourage the task force to continue its work to ensure the residents get the best master plan possible and that Yarra council remains the responsible authority representing residents' interests. We will all be watching closely to ensure that Yarra council takes this important responsibility seriously and acts in the interests of the whole community.

Land tax: increases

Mr BURGESS (Hastings) — I wish to raise a matter for the attention of the Treasurer. The action I seek is for the Treasurer to urgently reconsider the impact the Brumby government's land tax cash grab is having on so many Victorians who are already struggling through difficult financial circumstances that are exacerbated by the economic incompetence of this government.

The property of a constituent of mine, Colin Cook of Hastings, has remained in his family's ownership since 1950. Mr Cook and his family held onto their property after the passing of Colin's mother, through sentiment rather than for financial reasons. Yet the Cook family now finds itself being held to ransom by Victoria's answer to the Sheriff of Nottingham, John Brumby. Land tax on the Cook property over the last seven years has been: \$326, \$530, \$814, \$1222, \$1630, \$1630 and then this year \$5535 — an enormous and obscene increase.

For many years now, due to our dwindling and ageing workforce and increasing welfare sector, Australian governments at all levels and of all persuasions have been imploring people to prepare to be able to provide for themselves in retirement. Governments have encouraged people to invest in their superannuation and manage other investments to, where possible, relieve the government of supporting them in their retirement years. Unfortunately, while the coalition federal government went about making decisions and implementing policies to promote this important policy, the Bracks and Brumby governments have taken every opportunity to strip money from people and value from their assets.

The implementation of Melbourne 2030 by the Labor government wiped literally hundreds of millions of dollars off the value of people's properties — often properties that had been invested in to provide for retirement. Land tax under the Brumby government is an equally blunt weapon. This government treats property owners in the same way as it treats businesses: it simply assumes that because they own property or run a business they can afford it. The manner in which the Brumby government has wielded this tax weapon has significantly reduced the ability of people to fund their own retirement, effectively creating future debt for our children. Property values upon which the government has calculated current land tax were set at a time when the market was at its peak — and the government is well aware that these peak values are now long gone. This Brumby government version of land tax is simply unjust and unfair.

Pilkington: Geelong factory closure

Mr TREZISE (Geelong) — The issue I raise with the Minister for Industry and Trade relates to the Pilkington automotive glass factory in Geelong, which was bought by CSR in, I think, 2007, and the recent announcement that CSR intends to close the factory and make employees redundant as of 30 June 2009.

However, I am informed that there a number of potential purchasers of the factory as an ongoing concern. The action I seek is for the minister to work with all other stakeholders, all interested parties and all levels of government to at least examine or explore every possible means of maintaining Pilkington automotive glass manufacturers in Geelong.

In raising this issue I note that if the factory in Geelong were to close down, not only would more than 150 years of Pilkington glass history in Geelong be extinguished but, more importantly, 115 valued jobs would be lost forever. The loss of 115 jobs, as you would understand, Acting Speaker, would mean that 115 individuals and just about as many families would be put into unemployment limbo.

For the information of the house, Pilkington — or CSR Viridian as it is still referred to in Geelong — currently produces glass sets for Toyota's Camry and Aurion cars. I know from my conversation with people in the industry and with employee representatives that Toyota is very keen to continue its contractual arrangements with Viridian. I am also aware that, as mentioned before, there are at least three or four potential purchasers who are interested in continuing glass manufacturing in Geelong.

Given these facts, it is absolutely essential that the community and we as a government do everything within our capabilities to keep Pilkington in Geelong. It is simply not acceptable for CSR as a corporate citizen to throw its hands in the air and abandon the employees in Geelong, especially in these financially difficult times. This is further emphasised by the fact that Viridian glass is the last factory in Australia with the capability for high-volume automotive glass production, and it would be unacceptable for this capability to go offshore, as I am sure you, Acting Speaker, are well aware and would fully agree with.

The issue of 115 jobs at Viridian in Geelong is of paramount importance not only to the jobs in Geelong and our wider community but also to the manufacturing sector in Australia. I urge the minister to do all within his powers to ensure that the Viridian glass factory in Geelong does not close but continues to operate and thrive in Geelong for many years to come.

Bushfires: recovery

Mr NORTHE (Morwell) — I wish to raise a matter for the attention of the Premier. The action I seek is the establishment by him of a one-stop shop in the Latrobe Valley to assist local residents affected by the recent bushfires in their respective recoveries.

The impact the bushfires of late January and early February has had on the Victorian community has been well documented. Many Latrobe Valley communities experienced vast devastation as a consequence of these deliberately lit fires, including the loss of up to 11 lives. I am the first to acknowledge the enormous support and assistance provided to those persons affected by the bushfires, including from all levels of government. I welcome the bushfire recovery programs and the assistance packages that are available.

However, the reality is that many community members have become increasingly frustrated by the process associated with accessing government grants and programs and the funding so generously donated by tens of thousands of people and organisations to the bushfire relief fund. This has been reinforced to me constantly during the various visits to our fire-affected communities.

The second aspect of all of this is the significant number of people who are not eligible for the range of programs and grants that are currently available. We cannot afford to simply let these people slip through the cracks. Relief centres were established immediately following the bushfires and provided a source of information and comfort to those impacted by this

disaster. I know that many community members were overwhelmed by the support that was provided through the relief centres and much positive commentary centred on the cohesive way in which government departments combined in this time of need.

As relief centres have transformed into recovery centres, this cohesion has dissipated, despite the evolution of further grants and programs and the involvement of additional recovery authorities and organisations. One only need note the multitude of government agencies and other organisations involved in the recovery process to understand why many residents are feeling angry and frustrated when they might have to deal individually with many of these organisations when seeking information and assistance. I understand they are all doing their absolute best in the circumstances; however, the coordination needs to be addressed.

I know the government has stated that case managers are fulfilling this crucial task, and in some cases this is true. However, a significant number of people have outstanding needs that have not been addressed. Quite simply, the community wants straight answers with respect to their personal bushfire recovery situation, not to be handballed from one department to another.

For those who do have outstanding needs which cannot be met by the current programs, why can these not be recorded and entered into a database for the purpose of being addressed as the recovery phase evolves? For example, it may be that a new funding program does eventually materialise, which offers help. It may be that the bushfire relief fund announces additional categories of assistance to solve the problem. It might be that appropriately skilled volunteers who are continuing to register with the reconstruction authority can fill the gap. My view is that unless a central point of contact is established to marry the need with a prospective solution, deserving people who are already battered in body and mind may miss out.

Rail: Craigieburn car park

Ms BEATTIE (Yuroke) — I raise a matter for the urgent attention of the Minister for Public Transport. The urgent action that I seek is for the minister to investigate and ascertain what can be done to provide extra car parking spaces at the Craigieburn station.

Members will recall that in 2007 the rail electrification was extended from Broadmeadows to Craigieburn, with a station in between at Roxburgh Park. Craigieburn had been a little station for Sprinter services daily, and when the electrification came they

were increased to 64 services daily. It has proven to be tremendously popular, with over 200 per cent growth. There are 333 designated car spots at Craigieburn station, but the site had already been built around so the opportunity for extra car parking at that time was virtually nil. We did provide an extra 140 car spaces at Roxburgh Park, but for some people it is too far to go there.

The City of Hume, as is its right to protect its residents, has imposed quite severe car parking restrictions around the streets. As I said, it is within its right to protect its residents, but it has resulted in some people parking illegally and some people parking quite dangerously. It is my understanding many who were parked illegally were given warnings last week or the week before last, but continued to park illegally and were fined.

I ask the Minister for Public Transport to ascertain if there is any land for sale around the Craigieburn railway station. One of the answers is to provide better bus services, and we as a government are doing that. We have put in a lot of extra bus services, but there are some people for whom it is inconvenient to catch a bus. I am asking the minister to do what she can to alleviate the current situation and provide more car parking spaces around the Craigieburn rail station, which has proven so popular. Young teenagers can now get a job down the line at Broadmeadows, and, of course, the Coolaroo station is being built, too. This is just adding more to the government's transport system.

Responses

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — The member for Doncaster raised a matter for the Treasurer in relation to the budget.

The member for Williamstown raised a matter for the Minister for Sport, Recreation and Youth Affairs in relation to the Hobsons Bay City Council funding submission for the Brooklyn and Power Street tennis clubs.

The member for Rodney raised a matter for the Minister for Public Transport in relation to country schools accessing V/Line services for trains and coach services.

The member for Yan Yean raised a matter with the Minister for Roads and Ports in relation to a VicRoads safety examination on Craigieburn East Road and Epping–Kilmore road, following a driver's death.

The member for Bass raised a matter with the Minister for Planning in relation to the growth area infrastructure charge.

The member for Northcote raised a matter with the Minister for Planning in relation to the Amcor site decision by the City of Yarra.

The member for Hastings raised a matter with the Treasurer in relation to land tax.

The member for Geelong raised a matter with the Minister for Industry and Trade in relation to the Pilkington glass factory site in Geelong.

The member for Morwell raised a matter with the Premier in relation to a one-stop shop for bushfire support in the Latrobe Valley.

The member for Yuroke raised a matter with the Minister for Public Transport in relation to car parking at Craigieburn station.

I will refer those matters to the ministers and have them respond to members directly.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.30 p.m.