PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 12 March 2009

(Extract from book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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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. S. P. BRACKS (to 30 July 2007)

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

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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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Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [5]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
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Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
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Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
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Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [6]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

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

CONTENTS

THURSDAY, 12 MARCH 2009

Thursday, 12 March 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

North-eastern ring-road: construction

To the Legislative Assembly of Victoria:

The petitioners and residents of Bulleen urge the Assembly not to support any proposal to build a freeway/tollway link that connects the Eastern Freeway to the Metropolitan Ring Road via Bulleen Road in Bulleen.

By Mr KOTSIRAS (Bulleen) (125 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 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) (61 signatures).

Weeds: control

To the Legislative Assembly of Victoria:

This petition of the citizens of Victoria draws to the attention of the house the critical need for continuing state government support for the eradication of Paterson's curse as a noxious weed, recognising that it has been relegated in importance by the Minister for Agriculture, Joe Helper, MP, and the Department of Primary Industries, with other exotic weeds now being given precedence.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to clarify responsibility for the control of noxious weeds, and increase funding levels to all government authorities, including local government, to implement appropriate eradication programs, and to include Paterson's curse.

By Mr JASPER (Murray Valley) (72 signatures).

Tabled.

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

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

DOCUMENTS

Tabled by Clerk:

Financial Management Act 1994:

2008–09 Mid Year Financial Report incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2008

Report from the Minister for Environment and Climate Change that he had received the 2007–08 Report of the Lake Mountain Alpine Resort Management Board

Municipal Association of Victoria Insurance — Report 2007–08.

BUSINESS OF THE HOUSE

Adjournment

Ms NEVILLE (Minister for Mental Health) — I move:

That the house, at its rising, adjourn until Tuesday, 31 March 2009.

Motion agreed to.

MEMBERS STATEMENTS

King Street, Doncaster: traffic lights

Ms WOOLDRIDGE (Doncaster) — I call on the government to install pedestrian-operated traffic lights near the Roseville Retirement Village on busy King Street, a road of state responsibility in my Doncaster electorate. At the moment retirement village residents are forced to wait for a break in traffic before attempting to rush across the road. The road carries 12 000 cars a day and the fact they are often speeding adds to the safety concerns. A community campaign over 15 years, in which I have been involved in recent years, last month resulted in the installation of pedestrian-operated lights outside the Donvale Retirement Village on Springvale Road.

A number of Roseville residents have raised the idea with me of having a similar facility outside their village. Many of the 130 residents have to cross the road to travel to local shopping centres or on return from the city by public transport. Lights would allow them to safely access bus stops and medical facilities that require them to cross the road. Responding to calls for lights, Manningham City Council surveyed King Street in January during the school holidays. It counted 641 vehicles but no pedestrians on the street over 1 hour in the afternoon.

This easily meets the traffic volume requirements for lights but not the pedestrian volumes. However, the council has referred the matter to VicRoads because of the location of the village and the need to provide safe access to bus stops and other community facilities. Let us not take another 15 years for a sensible initiative to improve community safety.

Heathdale Neighbourhood Association: festival

Mr PALLAS (Minister for Roads and Ports) — I wish to acknowledge a fantastic community event in my electorate that I had the pleasure of attending — the Heathdale barbecue festival. The event is managed by volunteers from the Heathdale Neighbourhood Association. Heathdale's barbecue festival is a celebration of community spirit, cultural diversity, music, dance, food, and arts and crafts. Entrants in the barbecue competition are invited to take the challenge in their favoured category: meat, vegetarian, seafood or chef's specialty. Judging the barbecue competition this year was celebrity chef Peter Russell-Clarke.

I congratulate the winner of the event this year, the An-Nur Foundation, and the sharers of second place, the Smith Family and Taste of Tonga. I also congratulate the third-placed participant, the Werribee branch of the ALP, which on the day collected over $880 for Uniting Care Werribee Support and Housing. Since 2003, the Victorian government has invested more than $8 million in the Heathdale neighbourhood renewal project. This investment has helped deliver improvements in housing, education, employment and community safety.

I would like to thank the master of ceremonies for the day, Shane Bourke, the mayor of Wyndham City Council. I also congratulate Jasmina Stanic, Lesley Murray and all the participants in the festival.

Wannon Water: carbon offset scheme

Mr WALSH (Swan Hill) — I raise with the house what I consider to be a very poor public policy position of Wannon Water to charge its customers for the planting of Mallee trees in other parts of the state, supposedly to offset its carbon footprint. It may be well intentioned and it may make members of the organisation feel good about themselves, but I question whether it is an appropriate use of Wannon Water customers' money to plant Mallee trees in another part of the state to offset its carbon footprint.

I remind the house that this is the same organisation that in the last 12 months has increased its debt by 103 per cent in order to supply services to its customers. Wannon Water is effectively taxing its customers to plant trees. Why does it not focus on making its water business more efficient by making sure its pumps and pipes are more efficient rather than planting trees in another part of the state? If it has to, it should plant trees only as a last resort; and if it is going to plant trees, why does it not plant trees within its own catchment? It should plant trees where customers of Wannon Water will see some benefit. It could partner with Landcare groups in its own area, rather than using customers' money to plant trees in another part of the state.

Bushfires: Bellarine volunteers

Ms NEVILLE (Minister for Mental Health) — The Bellarine community has always recognised and valued the great contribution of our local Country Fire Authority (CFA) region 7 volunteers, but I want to place on the public record our particular thanks for their outstanding efforts in fighting the devastating Black Saturday bushfires.

Region 7 covers CFA brigades on the Bellarine Peninsula and in Geelong. The Bellarine brigades of Leopold, Wallington, Ocean Grove, St Leonards,

Queenscliff, Drysdale and Portarlington are made up of volunteers from across the Peninsula. Those volunteers, along with volunteers and staff from the Geelong City Fire Brigade, travelled to the Kinglake complex, Kangaroo Ground, Alexandra, Healesville, Ovens and Traralgon. They confronted with courage and determination the worst natural disaster we have ever experienced. Some of them were first-timers as young as 17 and some had had up to 30 years service and experience. Some of them went two or three times, sometimes for up to three or four days.

I thank and commend all of them for their unwavering bravery and dedication. I thank their families and those who support them. My thanks go also to the many local employers who generously and without hesitation gave their staff leave to go to fight the fires. Without their support the work of the CFA would be severely limited. In particular I acknowledge Bob Barry, operations manager, and his team in region 7, who coordinated the strike teams. As a community we are proud and deeply grateful.

Water: desalination plant

Ms ASHER (Brighton) — I draw to the attention of the house the latest news reports from Adelaide in relation to water. The South Australian desalination plant, which will be built at Port Stanvac, was announced after the Victorian plant and will now be delivered for South Australia one year in advance of the Victorian plant — that is of course if the Victorian plant is financed and delivered on time, which is problematic. I also draw to the attention of the house the facts that the desalination plant in South Australia will provide one quarter of Adelaide's water and that it will be delivered 12 months early on initial government estimates. If Labor had built a desalination plant — albeit a smaller one — in good times, Victorians would now be better off.

New South Wales is building a desalination plant at Kurnell, and the water from that plant will be supplied by summer 2009–10. Western Australia has already got a desalination plant, which supplies 17 per cent of Perth's water, and is onto a second one. Now there is a desal plant operating in Queensland, and more water will be flowing there in the next three weeks. Amid the current speculation about financing the desal plant, it is a great shame the government did not build this plant in better economic times.

Shirley Dennehy

Mr ROBINSON (Minister for Gaming) — This morning I want to pay tribute to the life of the recently deceased Shirley Dennehy. Shirley was for several years the director at Taralye, an outstanding children's oral language centre in Blackburn. I quote briefly from her obituary which appeared in the *Herald Sun*:

> It was her idea to set up the Elisabeth Murdoch scholarship, which raised the level of professional expertise nationally.
>
> Over 21 years she trained professionals and developed Taralye, an oral language centre at Blackburn for hearing-impaired children aged up to six, and their families.
>
> …
>
> In 1981 Shirley was appointed Taralye's first services director, a pivotal moment in the history of the centre and the advisory council.
>
> Her vision and leadership were crucial in developing Taralye as a world leader in its field.
>
> …
>
> With her team, Shirley established Taralye as a resource and outreach centre and set up a distance education program.
>
> …

In a book which was released recently to celebrate Taralye's 40th anniversary, Shirley had written:

> I think one of Taralye's greatest gifts is that we've encouraged parents to believe in their kids, to have high expectations and to know that, with support and help, they can achieve their potential.

Shirley died of cancer recently, all too young at the age of 69. She made an outstanding contribution in the area of oral language. She was very much ahead of her time, and she will be greatly missed.

Racing: regional and rural Victoria

Mr MULDER (Polwarth) — In the house yesterday I tabled a petition on behalf of the Colac, Camperdown and Terang race clubs, calling on the government to support these clubs in their endeavours to retain their race dates and training track maintenance funding. It is vital for these clubs to gain the support of the Minister for Racing, as the livelihood of trainers, stable staff, feed merchants, veterinary surgeons and farriers depend on the success of these clubs.

These clubs are deeply concerned that they have been targeted in a directions paper and face being relegated to an underclass within the Victorian racing industry. It is not just the clubs and the oncourse trainers but who will be affected but also trainers from Colac and Camperdown, who in some cases have invested their life savings in offcourse training facilities but still use the tracks to educate, gallop and in some cases train horses on a day-to-day basis.

Terang is renowned as one of the best tracks in this state and regularly hosts trials which are attended by trainers from across the state. Over the years the industry has funded stabling complexes at the tracks; and in the case of Colac, a horse swimming pool. These investments should be utilised to their fullest capacity.

The proposal being canvassed in the directions paper points to the clubs funding their own training facilities. The directions paper is not accompanied by a business plan or indeed any precedence where such an arrangement works successfully elsewhere. We ask that each of these clubs be treated fairly and equitably. As the minister responsible, the Minister for Racing takes a leading role in ensuring that all that needs to be done is being done to protect Colac, Terang and Camperdown racecourses with the allocation of race dates and training track maintenance funding.

Southaven Day Centre, Bentleigh: services

Mr HUDSON (Bentleigh) — Recently I attended the open day of Southhaven Day Centre in my electorate. Southaven is part of Baptcare community services. It provides a welcoming environment for those members of the community who take part in its activities. It is a place where seniors can thrive in a supportive social environment. Over 100 people take part in Southaven's programs every week, and the centre provides a rich array of activities and programs in this lively community.

These include artwork, jewellery making, music, singing and dancing, playing instruments, fitness activities, movies, trips to the peninsula and an evening twilight group. In addition Southaven provides short-term, overnight respite for carers of frail older people and people with dementia. I have had firsthand experience of the care provided by Southaven. One of my constituents, Angela, provided care to her husband who was suffering with the onset of dementia. He often ran away from home, causing her considerable distress. However, he felt comfortable and welcome at Southaven and enjoyed the activities, day trips and support that he received at the centre. He loved coming and it gave Angela absolute peace of mind. He has since moved into a nursing home, but his time at Southaven was special.

Centres like Southhaven are sorely needed in electorates such as Bentleigh, where 9000 people, or nearly one in five residents, are over the age of 65 years — much higher than the average for metropolitan Melbourne. I congratulate the team of carers and support staff at Southaven, ably led by Paul Marwick, the program manager, who have made this centre the wonderful place that it is.

Rail: north-eastern Victoria

Mr JASPER (Murray Valley) — The Parliament will well know of my strong support for passenger rail services in country Victoria. In recent years this has been a key issue of my representations to transport ministers, in particular the urgent need for upgraded services to be provided to those of us living in north-eastern Victoria, so I welcome the government's announcement of $501 million of state and federal government funding for major upgrading of the services, including standardisation of the rail line between Albury-Wodonga and Seymour.

However, I believe strong consideration should be given to reinstatement of the Shepparton–Numurkah–Cobram rail line with a once-daily rail service to Cobram in the evening, leaving Cobram early the next morning. This service would be run in conjunction with the additional coach services.

This passenger rail service has a chequered career, with the service being stopped by the Liberal government early in the 1980s, only to be reinstated by the Labor government, with my strong support, in the latter part of the 1980s. Subsequently, and with my strongest opposition, the rail service was curtailed during the 1990s. Despite my representations to the current government, reinstatement of the service has not been agreed to.

I should add that I am receiving strong representations from people living in Cobram, Numurkah and surrounding areas who wish to be able to board a train in my electorate and travel directly to Melbourne, without changing from a bus to a train. I therefore call on the minister to urgently consider reinstatement of the passenger rail service from Cobram and Numurkah to Shepparton.

Cycling: Northcote paths

Ms RICHARDSON (Northcote) — For cyclists travelling through Northcote, two of the most important routes are along Westgarth Street and the St Georges Road median strip. A major problem is the lack of safe and convenient links between these routes and other parts of Melbourne's extensive cycle network.

The St Georges Road path ends at the roundabout at Merri Parade. Cyclists must take their chances along narrow and busy streets in North Fitzroy to reach the Capital City Trail. Similarly, Westgarth Street cycle commuters must use the footbridge and underpass at

Rushall railway station, which is hazardous for both the cyclists and the pedestrians they encounter.

According to Bicycle Victoria's Super Tuesday survey last year, 536 cyclists used the St Georges Road path between 7.00 a.m. and 9.00 a.m., and 300 cyclists travelled along Westgarth Street. Bicycle Victoria expects that this year's survey, which will be held next Tuesday, will show an increase in those numbers.

Fortunately an opportunity has arisen that may provide the link between these important cycle routes. Melbourne Water is about to upgrade its pipe across the Merri Creek. If a bridge were placed over the pipe, it would be only 200 metres from the end of the St Georges Road trail and the same distance from Westgarth Street and the Capital City Trail.

Like Bicycle Victoria and other cyclists, it has long been my ambition to connect these routes via a new bridge above the Merri Creek pipe. I urge the Minister for Roads and Ports to act, as he did so well in response to community concerns over the St Georges Road roundabout, and build a bridge so we can all get over it!

Intralot: agency costs

Mr O'BRIEN (Malvern) — It seems that the depths of the Brumby government's failure concerning Intralot know no bounds. Intralot was handed a lottery licence by this government after a tainted bidding process that featured Labor Party cronies crawling all over it. The *Herald Sun* reported on 26 May 2008 that:

> Former Labor Treasurer Tony Sheehan landed a $1 million deal for helping win a lucrative Victorian gambling licence —

for Intralot.

In November 2007, releasing Intralot's 10-year lottery licence, the Minister for Gaming told a press conference that the introduction of Intralot:

> will be good for agencies across the state.

Encouraged by the government's assurance, many lottery agents were induced to pay up to $10 000 for an Intralot agency agreement. But how has the minister's promise stacked up? Intralot's lottery licence stipulates sales of $293 million this year. However, leaked figures show that Intralot's sales are likely to be just $67 million — a 77 per cent shortfall. No wonder the *Sunday Herald Sun* was moved to label this mess 'Intraflop'!

While this is terrible for Victorian taxpayers, who stand to lose $79 million in revenue this year alone, it is disastrous for Intralot agents. These small businesses have been conned by this government and have lost thousands as a result.

The Minister for Gaming truly is the Rob Jolly of the Brumby government. Jolly made promises to Pyramid investors, just as the minister made promises to lottery agents. The only difference? Pyramid depositors eventually got their money back.

Ashwood-Mount Waverley Lions Club

Mr STENSHOLT (Burwood) — On behalf of my community I pay tribute to the work of the Lions Club of Ashwood-Mount Waverley and congratulate its president David Carra and secretary Gavan Rowan for their leadership and the wonderful work that the club and its members have done in the past year.

The club arranged for six children to attend the Licola Wilderness Camp, awarded prizes for community service to students at Ashwood and Mt Waverley secondary colleges, supplied Christmas hampers to 10 families in the area, drove the Parkhill Primary School bus once a week, provided assistance to the local neighbourhood renewal program, subsidised craft lessons and get-togethers at the Amaroo and Power neighbourhood houses as part of the community access project coordinated by MonashLink, and organised the 4X4 for Mates day which provided a fun day out for adults with disabilities — on that particular day, 90 guests were transported to a four-wheel-drive proving ground where four-wheel-drive owners gave them a great day out in their vehicles.

The club has provided assistance to elderly citizens as well as providing help at the Mt Waverley opportunity shop, which is run by the Waverley Lions Club. To fund all these activities the club has had many fundraisers, including sausage sizzles and Christmas cake sales as well as its famous annual garage sale. I pay tribute to the work of club members — it is a wonderful club — and I wish them many years of further service.

Schools: Netbook project

Mr CRISP (Mildura) — I have been contacted by concerned parents whose children attend a local primary school that leases Netbook computers to families as part of the one-to-one Netbook project in Victorian schools. While this scheme is appreciated, it raises a real concern regarding the personal safety of students, as each Netbook computer is valued at $500 and is carried by students from school to home and back to school the next morning. This makes each student a target for bullying or theft.

We need a stringent set of rules for students on taking home Netbook computers. Alternatives need to be put in place to ensure that students do not have to take them off the school grounds, such as having facilities at school for recharging Netbooks or providing thumb drives so that students can download the day's work or homework each evening, as many households have a computer at home.

Sunraysia Men's Shed: funding

Mr CRISP — On another matter, the Sunraysia Men's Shed is an active group seeking funding in the current round of government funding applications. The Sunraysia Men's Shed has formed a partnership with the Christie Centre to assist at the Aroundagain recycling facility. This is a worthy group undertaking a worthy cause, and I urge the minister to support its funding application.

The hard work done by the committee of Ron Dudley, John Allinson, David Pearce, James Keppler and George Liddicoat is greatly appreciated, in particular by the Christie Centre, which is an organisation serving the disabled in our community and achieving the multiple objectives of recycling and assisting those less able.

Pat Garrard

Mr BROOKS (Bundoora) — I wish to pay tribute to Mrs Pat Garrard, who retired on 19 December last year, after giving 38 years of her life to educating and supporting the students of St Mary's Primary School in Greensborough.

Pat commenced her teaching career in 1959 at Preston North East Primary School. After teaching for one year, she left to begin a family. However, in 1968, when it was difficult to find qualified teachers, Pat was asked to return to teaching. She agreed and took the position of prep teacher at St Mary's. In 1986 Pat was appointed deputy principal and she filled that position admirably for an amazing 22 years. During this time Pat worked with eight principals. She was also acting principal on a number of occasions. However, she made the conscious decision to remain deputy principal so that she could continue her hands-on work with students. Over the past few years Pat has also been the student wellbeing coordinator and through the gifted and talented program has been able to support high-achieving students.

At the end of the last school year, the school and parish communities held a number of events to celebrate and acknowledge the wonderful contribution Pat made to education. Many students expressed their feelings in writing and put these on display around the school. One student wrote 'Mrs Garrard is a lovely and loyal person. We are very lucky to have her', summing up the affection the students held for her.

Pat left teaching with a reputation as a committed, professional teacher who, through her love of education, was instrumental in the development of a countless number of students. On behalf of the local community, I wish to thank Pat for her contribution and wish both her and husband, John, all the very best in retirement.

Eastern Centre Against Sexual Assault: funding

Mr R. SMITH (Warrandyte) — I rise to speak on behalf of the Eastern Centre Against Sexual Assault (ECASA), which provides counselling and information to anyone who has been a victim of sexual assault. Its contribution to those who have gone through the trauma of sexual assault is an essential part of helping victims to overcome that trauma.

In 2007 the state government provided ECASA with non-recurrent funding of $42 000, which was used to fund a part-time counselling position for victims of sexual assault under the age of 18. Having someone in that position meant that the waiting time for counselling for those young people, which had been from four to six weeks, was reduced to one to two weeks. Reducing waiting time is critically important to the wellbeing of victims.

Unfortunately, the funding for this position is due to cease on 30 June this year. Despite repeated requests over the past six months for clarification from the Department of Human Services, ECASA has had no assurances that this funding will continue. A decision by the minister to withhold funding for this position will have a direct impact on the lives of those in the east affected by sexual assault and will contribute to placing an unnecessary strain on ECASA's resources. Organisations such as ECASA provide a vital service to our community. It is important that the minister recognises that service and continues to support, with funding, ECASA's good work.

It is simply unacceptable that the minister has not seen fit to respond to ECASA's requests for funding over the past six months. I am sure the minister would freely acknowledge ECASA's vital work. That acknowledgement needs to be backed up with funding and the certainty of continued funding in the future.

Disability services: Transition to Employment program

Ms MARSHALL (Forest Hill) — There are a number of Forest Hill school leavers with a disability who will be assisted on the pathway to employment through the Brumby government's new Transition to Employment program. Some of my constituents have undertaken vocational education and training courses or pre-employment programs through dedicated service providers, one of which is Eastwork. Eastwork Employment is a not-for-profit incorporated association that helps people with disabilities to realise and achieve their vocational goals and has been running its innovative disability programs since 1991.

Formed as a specialist disability employment provider and now funded by the Department of Education, Employment and Workplace Relations, Eastwork has since expanded to include a pre-vocational program, Future Links, and became a registered training organisation in 2005, funded primarily by the Adult, Community and Further Education Board.

The Transition to Employment program is designed to provide intensive support for those who are not quite ready to move directly into a job, allowing them to build their skills, capacity and experience. I would like to thank them and all similar organisations for the fantastic contribution they make.

Forest Hill electorate: adult education

Ms MARSHALL — As the member for Forest Hill I have had a great deal to do with the University of the Third Age, better known as U3A. My admiration for the organisation comes from everyone's desire to continue learning at no matter what point in their life.

Another fantastic organisation that is utilised by many of my constituents is the Centre for Adult Education, which recently released its new strategic framework for 2009-13. The CAE has four key areas that define the adult, community and further education sector: learning, earning, business and living. I would like to commend the CAE for assisting the constituents of Forest Hill to return to work — —

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

Planning: Mornington Peninsula

Mr MORRIS (Mornington) — This morning I wish to raise for the attention of both the house and the Minister for Planning an issue that requires immediate action. A town planning application has been lodged for 743 Esplanade, Mornington, at the intersection of Barkly Street. It is a site of considerable sensitivity as the corner forms one of the principal gateways to the town and is surrounded largely by heritage buildings. The town planning application is proceeding through the normal process, and as the proposal is contested by many local residents I expect it will eventually be determined by the Victorian Civil and Administrative Tribunal.

Of immediate concern is an application to demolish the existing dwelling, which is to be determined in a matter of days. No. 743 was created by an early subdivision, and the home was owned by one of the original families of Mornington, the Grovers. In 1871 William Grover became the first president of the Shire of Mornington. His son, Joseph Dale, also occupied that position prior to World War I. Two members of the family were lost in the football disaster of 1892.

The home is also linked with other prominent Victorians, including Professor George William Louis Marshall-Hall, composer, Ormond Professor of Music at Melbourne University and conductor of the Mornington orchestra The provenance of this home may well have considerable bearing on the outcome of the planning application, which must not be short-circuited by the hasty demolition of this significant building.

I urge the Minister for Planning to act immediately to ensure the application is determined with proper process, not by the premature employment of the wrecker's ball.

Athletics Essendon: honour wall

Mrs MADDIGAN (Essendon) — I would like to talk about the Essendon athletics club, which has a very long history in the Essendon area going back to the days of the Essendon Harriers. I would particularly like to recognise the work of club president Don Martin and past president Ian Williams in a new initiative that was unveiled at Aberfeldie Park last week. This is an honour wall to recognise the many members of the club who have competed in Olympic Games. The most famous of these is Peter Norman, who won a silver medal in the 1968 Olympics and perhaps is best known for joining other athletes in Mexico in a black power salute at a time of some racial tension between blacks and whites in America and other places.

Since 1964 the club has had representatives at every Olympic Games, and the wall acknowledges them and encourages youngsters at the club to aspire to compete at the Olympics. The wall starts with the name of

Gregory Wheatley, who competed in the 800 metres race at the Athens Olympic Games in 1906, and goes up to Chris Erickson, who competed in the 20-metre walk, and Sarah Jamieson, who competed in the 1500 metres, both at the most recent games in Beijing in 2008. This is a great initiative of the Essendon athletics club. I congratulate it and wish it all the best in the future.

Water: desalination plant

Mr K. SMITH (Bass) — Today a few drops of rain have fallen on the parched gardens and lawns of metropolitan Melbourne, and the government, bereft of any other solution to the water crisis except a $3.1 billion desalination plant in my electorate, has no other plans. We have a desperate Premier and Minister for Water who cannot proceed with any other solution except the desalination plant that they forced on the unsuspecting community in the Bass Coast and Cardinia shires.

Now neither of the tenderers appears to be able to get finance on the world market and have turned to this desperate government to come up with the dollars. The desperate, socialist Brumby government is now seeking funds from its socialist mates who run the Construction and Building Industry Super fund, but at what price to the Victorian community, and at what risk to the contributors to the superannuation fund?

Maybe the Premier should consider that this is God's way of saying to him, 'Drop this crazy proposal'. But then again, can the government do that? What else can it do now that Melbourne's water storages are running at an all-time low and this government has not made any other plans? What about the Minister for Water, who thinks he is so smart that he can treat the people of the Bass Coast community with utter contempt? He and the Premier have pushed this proposal and now find themselves up a dry river bed with no oars and no plans. The minister should resign in disgrace for allowing this crisis to occur.

Barbara Temby

Mr LANGDON (Ivanhoe) — I wish to pay tribute to Barbara Temby who turned 80 on 26 February. Barbara is a well-known Ivanhoe identity who is involved in numerous community and church groups, far too many to mention here today. Barbara's community involvement includes nine years — from 1978 to 1987 — as a councillor of the former City of Heidelberg.

Barbara is also a longstanding and respected member of the Liberal Party. While she may not be as active as she was once, she holds dear to those genuine Liberal Party values. Barbara was also extremely supportive of my predecessor the late Vin Heffernan. I congratulate her on her life of caring and service. The Ivanhoe community is a much better and richer place for having Barbara in the area.

Uniting Place, Hampton Park: opening

Ms GRALEY (Narre Warren South) — *Come As You Are* is what the Freedom singers heralded as we all joined together to celebrate the opening of Uniting Place in Hampton Park on 1 March. It was a joyous occasion with many people from other congregations and other faiths joining with the Hampton Park parish to celebrate their beautiful but practical new building. The service was led by Reverend Deacon Mat Harry, whose love for his church and his mission is enthusiastically relayed to everyone. I commend his work on the Casey Multifaith Committee too. We can all learn from one another.

The Reverend Dr Warren Bartlett, a former Uniting Church moderator, gave the sermon, with its emphasis on reaching out and doing things for others. He recalled one of the highlights of the national day of mourning service the week before when the moderator of the Victorian synod, Reverend Jason Kioa, helped the leader of Victoria's Muslim community, Sheikh Fehmi Naj El-Imam, down the stage stairs. It was a glowing example for us all to follow. Denise Bruce gracefully read the words of St Mark, and her daughter Rhiannon Bruce led the band with such a pure and pretty voice.

Congratulations to all on the building committee who have seen this project completed successfully. They include the Reverend Margaret Blair, David Leak, Pat Pither, Bharati Jackson, John Garrett and Mat Harry. We all sang *Come to the Banquet* and everyone, including firefighters, enjoyed an abundant lunch. Our new church is off to a wonderful start. 'There's a place for you' is the refrain at Uniting Place at Hampton Park. Well done to everybody involved, and God bless.

MELBOURNE UNIVERSITY AMENDMENT BILL

Second reading

Debate resumed from 26 February; motion of Ms ALLAN (Minister for Skills and Workforce Participation).

Mr DIXON (Nepean) — It is a pleasure to rise to say a few words about the Melbourne University Amendment Bill 2009. At the outset I would like to say that Melbourne University really is a world-class university. We in Melbourne and in Victoria are very lucky to have it as part of our education establishment. It has had a long record of excellence in many fields, and many of the leading citizens of Victoria and of Australia are graduates of the university.

I particularly commend the university on its recent brave decision to pursue the Melbourne model of generalist degrees. This is the second year in which that is happening. Obviously the jury is out; it is a long-term investment in a new way of thinking about education. I think the university is to be commended on its forethought and bravery, and I think it is certainly heading down a correct path. It is good to see a diversity of choice in university paths in our state.

This is quite a minor bill. In some ways this will be the last bill of this type that goes through this place for reasons which I will outline in a moment. The purpose of this bill is to amend the Melbourne University Act 1958 to facilitate the amalgamation between the faculty of the Victorian College of the Arts (VCA) and the faculty of music at the University of Melbourne. From the outset, I would like to say that the opposition will be supporting this bill. The amalgamation of these two faculties will create the faculty of the VCA and music. It is hardly a revelation but that is what it is going to do.

The Victorian College of the Arts faculty has been a faculty of the University of Melbourne only for a couple of years. We had legislation in this place in 2006; it came into being in 2007. When this legislation was established it unintentionally entrenched the name of the faculty as a part of the university in statute. Therefore any subsequent name change of that faculty had to go through Parliament. It is not the work of this place to facilitate name changes of faculties in all the universities in Victoria, but as I said, this happened inadvertently in the legislation of 2006, so to change the name we have to change the legislation. This legislation will also enable the university to make subsequent name changes if it has other mergers of faculties, especially in the arts field; that can be done through university processes using their own rules and regulations rather than through legislation in the Parliament.

The new faculty that is going to be created, the faculty of the VCA and music, will include three schools. Those three schools will be the school of art, the school of music and the school of performing arts. The university has a great record of arts, music and performing arts. The Victorian College of the Arts, which is now part of the university, had a wonderful reputation worldwide for excellence. The college became part of the university in 2006, and its spirit continues within Melbourne University with its rich history of arts and performing arts, not only within each of the schools and faculties but also in the students, student organisations and clubs that have been involved with it over the years. This bill will ensure that no further name changes to do with the university and this new faculty will have to come before Parliament.

I respect the university's decision regarding the amalgamation; it would have its own internal reasons for this, which I am sure have been well thought out. In the end, as is always the case with universities in Victoria, any reorganisation and redirection is intended to further enhance the quality of education the universities provide. I am certain this will be the case.

It is a small field — and sometimes I would say a non-contentious field — of pursuit in Victoria, but I think it says something about how important the arts are to the culture and community of Victoria, including Melbourne, when what may seem a storm in a teacup becomes quite a large furore. We had a good reminder of this during last year when the Rudd federal government decided to close the Australian National Academy of Music. The idea was to place the academy under the auspices of Melbourne University. It was interesting that that created a huge furore. The arts community, many former students of the academy, the current students and prospective students who were looking forward to studying at the academy were very upset when the federal government decided to withdraw the funding from the academy and to make other arrangements.

I think the minister totally misread the Victorian community on the importance it puts on our various arts and arts education facilities and the wonderful opportunities provided to students within the arts field, both at postgraduate level and for new university students coming out of schools. In the end that misreading and the furore it created forced the minister into an embarrassing backdown. The academy was given another year to work and the federal government is looking for a model that will enable the academy to continue. As I said, part of the plan was to make the academy part of Melbourne University. I do not know where those plans are at the moment but I think that, given the work of the Australian National Academy of Music, it can work in cooperation with the university and also be entitled to its independence.

As I said at the outset, this is not a large bill and it does not have far-reaching consequences for the governance of this state. It is just a minor tidying up of a previous bill. However, it is an opportunity for members to say something about Melbourne University and its importance in education, not only to this state and this country — it is a world-class university — and more importantly about the arts and music faculty of the university. I wish the new faculty every success. It has a long history on which to build. I am sure this bill will open a new chapter in arts at Melbourne University. I and the opposition support the bill and wish it a speedy passage.

Mr HERBERT (Eltham) — I rise to support this simple bill, which amends section 29A of the Melbourne University Act 1958 to provide for the faculty of the Victorian College of the Arts to be renamed the faculty of the VCA and music. Whilst this is a small bill, the University of Melbourne is of course far from small. It is a major, world-class provider of higher education and a research facility, where research is undertaken in a broad range of areas that are not just genuinely benefiting Melbourne, Victoria and Australia but have the potential to advance world development. It is a university that has provided exemplary education to generation after generation if Victorians, and of course as part of the university the arts faculty has an excellent reputation worldwide for both the provision of education and the expertise and quality of its lecturers and other staff.

On 12 May 2008 the university council approved the amalgamation of the faculty of the VCA and the faculty of music. The new faculty will include the school of art, the school of music and the school of performing arts. On 8 September last year the vice-chancellor of the University of Melbourne, Professor Glyn Davis, formally wrote on behalf of the university council to the skills minister, Jacinta Allan, to request minor amendments to section 29A of the Melbourne University Act 1958, basically to change the name of the faculty to the faculty of the VCA and music and give effect to the merger of those faculties.

The University of Melbourne has been consulted and has approved the final draft of the bill, which is supported by the faculty of music, the faculty of the Victorian College of the Arts, the staff and students of Melbourne University, the government and of course the opposition.

The bill makes a number of very minor amendments. It renames the faculty; it repeals section 29A(3), which is a transitional provision and is no longer required; it provides for the new faculty to undertake activities including music; and it makes other minor amendments which enable minor changes to be made in the future.

This will be the last of this type of bill. I do not think it should be in the domain of the Parliament to have before it legislation that changes faculty names. In future that will not be the case as changes are made to legislation. However, the current situation is that without amendments to section 29A of the Melbourne University Act 1958 the university would not be able to rename and reconstitute the faculty of the VCA and the university would not have the capacity to give effect to the amalgamation agreement between the faculty of music and the faculty of the VCA. This legislation simply enables those faculties to do what they are doing well in a more appropriate form for them in the future.

Whilst this is relatively minor but important legislation, it comes at a time when major change is occurring in the higher education sector nationwide. It comes at a time when the federal government is looking at the Bradley review and a couple of other reviews in preparing legislation to enact the changes needed to improve higher education provision in this country. It comes at a time when the federal Labor government is about to implement the largest change to the sector that the nation has seen since the Dawkins era. Quite frankly, that change is long overdue.

Despite the great things our universities are doing, the stark fact is that as a nation we are underperforming when it comes to higher education provision. In the last decade we have slipped from seventh to ninth spot on the Organisation for Economic Cooperation and Development ladder in terms of attainment amongst 25-year-olds to 34-year-olds. We still have far too few people from disadvantaged backgrounds getting into university. The other day the federal Minister for Education, Julia Gillard, called on universities to take in another 55 000 students from disadvantaged backgrounds.

The bill has been introduced at a time when completion rates are estimated by the Bradley review to be something like 72 per cent, which is far too low for a country like Australia. It comes after a decade of the federal Liberal government being obsessed with breaking the influence of the academic union and making WorkChoices the spearhead for what happened in higher education provision, when we saw student-to-staff ratios climb from 13 to 1 in 1990 to 20 to 1 in 2006. As a parent with two young people at university, I know that the number of students in lectures and tutorials are incredibly large, far larger than I ever had when I went through higher education. The

bill comes at a time also when, nationwide, student satisfaction has remained static for the past decade.

Whilst this bill changes the name of a faculty, the federal Labor government is changing the nature of higher education nationally. A little over a week ago the federal Minister for Education announced the most far-reaching improvements that we will see in our lifetime. She announced an ambitious commonwealth target of 40 per cent of all 25-to-34-year-olds having a qualification at bachelor level or above by 2025 — not just being enrolled but actually having a qualification. Today that figure stands at 32 per cent. She also announced that from 2012 all Australian universities will be funded on the basis of student demand — that is a massive improvement — and that the current cap on over-enrolments will be raised from 5 per cent to 10 per cent from 2010. That will mean that instantly another 5 per cent of students will be able to go to university, which I know the member for Bulleen knows very well, as he advocated for that when some years ago, as members of the Education and Training Committee, we were looking at this very issue. The cap will be removed wholly in 2012.

The federal government has also announced the establishment of a new national regulatory and quality agency for higher education, which will streamline current regulatory arrangements to reduce duplication, provide national consistency, and protect and ensure quality in education for both domestic and international students. This is long overdue. Of course Melbourne University has quality provision, but you cannot say that about every provider nationally, and it is about time we cleaned up our act and guaranteed quality provision right across Australia.

As well as these far-reaching changes, the federal science minister, Senator Carr — an exceptional minister who is doing a fantastic job and having a great influence on the scientific and research community — has just pledged to give universities extra money for research, which will be welcomed, and extra independence to manage their research activities. He wants to unshackle them from the hand of government so they can be creative in getting some applied and pure research happening in those faculties. His intention is to shift the funding to the full cost of research. It will come in tandem with long-overdue structural reforms to the research system.

In summary, this legislation comes at a time when our entire higher education sector will see massive improvement. It comes at a time when education and research at Melbourne University will see massive improvement. It comes at a time when the new faculty of the VCA and music also will see massive improvement. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Melbourne University Amendment Bill 2009. The Nationals in coalition are supporting this bill. The purpose of the bill is to facilitate an amalgamation between the faculty of the Victorian College of the Arts (VCA) and the faculty of music at Melbourne University. The bill also allows for the renaming post-amalgamation and for future renaming to occur without parliamentary approval.

I will give some history of the Victorian College of the Arts. The school was formed in 1977 and served the arts community well at that time. The major refurbishment of the school occurred in 1993, and in 1997 the Elisabeth Murdoch building came under the school's banner. In 1997 the secondary school was also co-located. The secondary school has played an important role in the support of younger artistic talents by the Victorian College of the Arts. In 2008 the memorandum of understanding to facilitate the merger was signed, and with the passage of this bill that merger will f `be formalised.

A more detailed history is available on the Victorian College of the Arts website. It shows a commitment to the arts through good and bad times. It was that spirit that saw the VCA and the VCA secondary school develop what I would like to talk about — that is, the arts, arts education and what is happening in those areas in Mildura. La Trobe University has a successful arts program. I recently attended a graduation ceremony in Mildura, which was a proud day for many talented artists.

To support La Trobe University's arts presence in Mildura, the Mildura Arts Festival is currently under way. Several weeks of great events help manage the stress of current community life in Mildura. Everybody needs time out in stressful and tough times, and we have those with the drought. Everybody, whether they are a dryland farmer, an irrigator, a horticulturalist or an urban dweller, is absolutely sick of this drought and needs a way to relieve the stress it causes. That relief can come from the arts, it can come from sport and it can come from passive recreation — these are all important.

Mildura has one special person to support its arts community. Robyn Archer, a cabaret singer and arts festival director among other things, supports the Mildura Arts Festival and the arts community in Mildura. Robyn delivered the 10th Manning Clarke lecture at the National Library of Australia in Canberra

on 3 March. Her lecture was titled 'The price of survival'. I was grateful to Robyn because her lecture was laced with references to Mildura. Robyn recognises that Mildura is doing it tough. I acknowledge her work and commitment to help Mildura in these tough times.

Many young, talented artists who could attend the VCA — I hope they will attend Melbourne University or other institutions — are being given encouragement by the arts festival, Robyn Archer and the work of Helen Healy, who organises the arts festival through her business. The events are run in collaboration with the Mildura Arts Centre, a place that has made itself available particularly to encourage younger artists. Only last Sunday, in collaboration with Opera at the Loch, members of the Melbourne Youth Orchestra got together with young artists in Mildura for a morning of music, which culminated in a very brief public performance. It was uplifting for those who attended and was encouraging for the young artists who are working to develop skills with their instruments.

I wish the VCA a vibrant future as part of the University of Melbourne. I hope some young, talented artists from Mildura pass through the new facility. May the bill have a speedy passage.

Ms NEVILLE (Minister for Mental Health) — I am pleased to rise to speak briefly on the Melbourne University Amendment Bill that is now before the house. As other members have said, it is a relatively simple and technical bill which fixes an anomaly that was created previously. Melbourne University is one of our great universities here in Victoria. It is not alone; we have some fantastic universities. Deakin University in Geelong, for example, provides an excellent tertiary education to many thousands of Victorians each year.

Over the years there has been a shift for universities in how they operate and meet the needs of so many young people in local communities. The recent announcement by the federal Minister for Education, Julia Gillard, is a really important one. Over probably the last decade we have seen an incredible increase in the number of young people attending university, which is a fantastic outcome, but we really need to focus on some of those groups of young people who continue to miss out on access to university.

It is in the interests of the universities, the community and the government to ensure that we have a diversity of people being able to access universities, which can make such a difference to people's lives and employment outcomes. The bill before the house is an important and technical one. It makes a small amendment to the Melbourne University Act 1958. I commend the bill to the house.

Mr THOMPSON (Sandringham) — It is interesting that today we will be debating the Melbourne University Amendment Bill 2009 and the Melbourne Cricket Ground Bill. Both arenas involve the pursuit of arts in the highest form. One is the artistry of movement that has been recorded in the minds of many who over the last 150 years have observed games of football and cricket as well as the Olympic Games and the Commonwealth Games at the MCG. For those who have a keen interest in the arts, Melbourne University and the Victorian College of the Arts have made a strong contribution to the training and development of numbers of Australian performers.

Last weekend marked the 70th birthday celebration of Stella Axarlis, who is perhaps one of Australia's greatest opera singers of all time. Stella was educated at the University of Melbourne, having migrated to Australia with her parents. It was due to the indirect support of a music teacher while she was studying mathematics at the University of Melbourne that she was able to develop her interest in music. She won the then Melbourne *Sun* Aria just after picking up a job at a Melbourne school, having spent three years teaching at Fitzroy High School.

When she turned up for work on the following Monday the principal of the school she had been assigned to questioned whether teaching was the vocation for her. She later went to Europe, where she won an international aria. That launched a 25-year career in which she performed in the greatest opera houses in the world. She performed 30 roles in Berlin, Munich, Hamburg, London, Vienna and Paris. From 1984 to 1990 she returned annually to Australia and performed with the Australian Opera.

Stella had a memorable performance at Carols by Candlelight in the early 1980s, where she sang the hymn *The Holy City*. It was replayed at her birthday party on the weekend. As she was moving towards the end of one of the rousing choruses, one of her relatives urged her to keep going and reach the heights she did when she originally performed the hymn. It was a magnificent moment in time.

The reason for this wide-ranging background on Stella is that she went on to perform a number of roles with health networks and the Australian government. After her opera career she worked in industry. She spoke at the centenary of Federation, representing the voice of migrant Australia and those who had made a great contribution to Australia. She fulfilled a number of

other roles, including sitting on the boards of and in directorships with United Energy and Yarra Trams. She chaired the Victorian committee of the National Quality Council and was a member of the Australian National Training Authority board.

She chaired the major projects council which saw the establishment of a hydrotherapy centre for children with severe disabilities, and was a member of the acute quality health committee. She was also involved with the Peninsula Health Network. Stella was made a member of the Order of Australia in 1998.

The bill before the house facilitates the merger of the faculty of music at the University of Melbourne with the Victorian College of the Arts. The Victorian College of the Arts has been the destination for many Sandringham College students who have benefited from the program there. Sandringham College, like many schools in Victoria, has specialist roles.

Glen Waverley Secondary College is understood to have a very strong academic program and produces specialists in a number of areas as a feeder school into tertiary institutions, as does Sandringham College. The Victorian teacher of the year in 1995 was a person by the name of Charles Slucki. With Dr David Taylor and Heather Fehring, among other staff at the school, he developed a program of excellence in the arts. This enabled many students to upskill during their secondary education. They then went on to the Victorian College of the Arts to further their educational journey. For a number of them this led on to professional performing and acting careers.

The bill defines its principal purpose as being to facilitate the amalgamation between the faculty of the Victorian College of the Arts and the faculty of music at the University of Melbourne. Stella Axarlis once noted in one of her speeches:

> We must be bold and objective in examining the overlaps and the gaps and inefficiencies which occur from education to health to infrastructure development. We are still getting feedback from industry and enterprises in particular and also from providers that many aspects of our system remain opaque and inconsistent across the country. We owe it to them to examine the way we do business across jurisdictions and find ways to do it more efficiently and transparently.

It was prescient of her to use those words in that they apply broadly to the bill before us, which has the objective of providing for the better utilisation of the skills and resources within the Victorian higher education community. The opposition is pleased to support the bill.

In closing I again pay tribute to the journey of Stella Axarlis. I quote from page 102 of a publication by Andrew Markus entitled *Building a New Community*, which chronicles the life of Stella Axarlis. It describes her as a teacher, opera singer, company director and community activist. But for people such as Madame Burkewitch, who helped her in her early days of training as a musician in Melbourne, this remarkable operatic career would never have unfolded.

I pay tribute to members of the teaching staff at the Victorian College of the Arts and the University of Melbourne for their individual contributions to the musical journeys of their students. In the case of Stella, her talent was developed alongside her university studies. As I noted earlier, Stella had principally studied mathematics at university, but it was her private interest in music, which was developed by Madame Burkewitch, that enabled her to succeed in her international career. I pay tribute to those members of teaching staff who have made a wonderful contribution to the life journeys of students under their tutelage and enabled their musical talents to be developed, from a student from Glen Waverley Secondary College who took his musical career to only grade 2 on the piano but still derives some constructive interest from that moment in time through to people such as Stella Axarlis, who enthralled music lovers throughout the world.

Ms D'AMBROSIO (Mill Park) — I am pleased to rise to provide my comments in support of the Melbourne University Amendment Bill. As has been noted by previous speakers, the bill provides for an updating of the legislation to reflect the changes made in modern times at the University of Melbourne vis-a-vis the amalgamation of the faculty of the Victorian College of the Arts and the faculty of music at the University of Melbourne.

It is very good that last year the university council moved to create a new faculty by combining three schools — the school of the arts, the school of music and the school of performing arts — into one body. The bill reflects these changes and is part of the program that this government has set to ensure that Victoria's statute book reflects the modern environment in which we live, keeping abreast of changes in legislative responsiveness to changes within the various agencies and organisations in our community. This is one of the small instalments of the move by the government towards achieving a modernised set of statutes in Victoria.

I will make some observations about the University of Melbourne. I mention my own enrolment there many

years ago in commenting on the importance of opening up higher education to a greater range of people from a wider range of demographics. The arts is certainly one area that could benefit from a greater input from a broader variety of people from different backgrounds. I commend the federal government for its attempt to change the culture of thinking about the place of universities and tertiary study within the community. I note that the federal Minister for Education, Julia Gillard, has in recent days indicated there is a need for university vacancies to be filled from a greater diversity of people from the community, especially noting that we need to bring in young people from poorer backgrounds and encourage them to access higher education. The arts is an area that could have an extra injection of diversity.

Having said that, I note the fine work in the arts area the University of Melbourne has committed itself to over many decades before the Victorian College of the Arts became part of the university. We should not go past the fact that one of Australia's foremost composers of decades ago, Percy Grainger, had a unique affiliation with the University of Melbourne, and the university has had a museum dedicated to him for some time now. It is important in this debate to keep in mind that the arts were not recently introduced to the University of Melbourne. The university has had a longstanding association with music and composing from a Victorian perspective. I acknowledge that and pay tribute to the university for it.

In Victoria we are very keen to ensure that we provide as much opportunity as possible to primary and secondary students to think as broadly as they can about their future career paths. We therefore encourage access to pathways of tertiary study and further learning to maximise their opportunities for better employment prospects. I know we have committed ourselves to this in terms of not only improving our skills base, improving opportunity and improving finances to our tertiary education sector through TAFE institutes and the like but also in allowing access to higher education, such as universities, through a better focus on very basic principles of learning in secondary schools.

I note it is very important that we continue that role and that we work in strong collaboration with the federal government to ensure that our universities, and the performing arts facilities within those universities, receive the support they need and reflect more adequately the cultural and economic diversity of the broader population.

Many people have said that the performing arts act as a mirror to our society and our culture. If we can make the performing arts stronger, then the reflection of our culture will be better and clearer. Having said those few words, I support the passage of this bill.

Mrs VICTORIA (Bayswater) — I rise to speak on the Melbourne University Amendment Bill and give it my wholehearted support. The bill provides for the amalgamation of the faculty of the Victorian College of the Arts (VCA) and the faculty of music at Melbourne University to go ahead. This is an important step forward and the amalgamation has lots of positives, to which I will come in a moment.

The Victorian College of the Arts has an absolutely proud history and great reputation in the performing arts, not only in Victoria but right around Australia and further afield. The college was created in 1867, believe it or not, as part of the National Gallery School. I think it was in the 1980s that it became part of Victoria College through the Prahran faculty of art. However, in 2006 the college became part of the university structure as part of Melbourne University and has been a separate faculty up until now. The proposed merger brings the two faculties together to make them one — that is, the faculty of the Victorian College of Art and Music. The legislation brings them together under one heading.

A very exciting agenda is happening alongside this merger. Some of the developments that are going on at the VCA/Melbourne University include the new high school. The VCA has always had a high school, but in June a new high school block, just past the Malthouse Theatre, will be opened. This will free up I block, which is a fairly old series of buildings, which will be able to be used by other people on the VCA campus.

One of the other things that I think is very exciting, and which Melbourne University is helping along, is the retention of the Australian National Academy of Music (ANAM). As has been pointed out earlier, last year the federal arts minister, Peter Garrett, announced that the academy would have its funding withdrawn and would close. There was a furore about this decision, and many people in the arts community were up in arms.

As with so many disciplines, no matter from which walk of life you come, there needs to be a centre of excellence in Australia. We have the Australian Institute of Sport, the National Institute of Dramatic Arts and other fabulous institutions, but if ANAM had closed, there would have been no centre of excellence for training musicians. ANAM will now stay open. The academy was supposed to have a name change and has been given a reprieve. It will remain at the South Melbourne town hall, which is a very good location for it at present. That was one backflip I clearly supported.

Now it is up to us to watch with interest what happens there going forward. I believe a new board is about to be appointed; its tenure is a minimum of three years. From an arts lover's point of view, it is a very exciting prospect that ANAM will continue to function. What is so good about ANAM is that it allows those who have done a lot of study in this area and are working performers to do postgraduate work with professionals from around the world. Some 55 students come under the ANAM banner every year. The general manager, Nick Bailey, is very competent and certainly does an amazing job of advocating for the academy.

As I said, we in Australia not only have centres of excellence like the Australian Institute of Sport but Melbourne is also home to the Australian Ballet, which is an amazing performing company. We need to do everything we can to ensure that the VCA does not lose its identity when it becomes part of the faculty of music at Melbourne University, because we need to ensure that Melbourne remains the centre of the arts in Australia. Very few people would disagree with me when I say that Melbourne is the home of the performing arts as well as the visual arts in Australia. To have great institutions like the VCA is incredibly important for the future.

Melbourne is also home to many great philanthropists who assist in facilitating the arts at the sorts of levels we have here in Victoria. When you look at those with theatrical expertise and those who have been very passionate about the arts, you cannot go past such people as Lady Potter and the people at the Victorian Opera. Dame Elisabeth Murdoch is an absolute living treasure to those in the arts.

I would also include people like John Michael Howson, who shaped early children's television and continues to be an absolutely prolific writer of successful musicals and movies. John Haddad is renowned for his tireless work in the field of the performing arts, and who could forget Jeanne Pratt and her dedication to making music theatre accessible to all. There are so many others who also work in that field.

On the subject of music theatre, as a performing arts college which trains performers rather than sending people down the path of academia, the VCA has had a proud history. I will mention some of the college's alumni in a moment, but it is important to recognise the importance of the performing arts, and especially music theatre, to the economy of Victoria and Australia.

Many of the people who have left the VCA have gone on to work on phenomenal shows. In Melbourne some of those people are or will be working on such shows as *Wicked, Billy Elliot* or *Jersey Boys*. Those productions attract a lot of dollars to Melbourne, so I think we need to foster the arts and those who want to work in them here, rather than letting their expertise go overseas and make money for other people. It is always delightful to hear that the crew working on a show are predominantly Australian.

There are lots of positives with the amalgamation of the two faculties. Financially it is very good and there will be a great sharing of knowledge. However, we need to ensure that the course remains as authentic as possible. Under the Melbourne University model there are six major undergraduate degrees, but there are also what are called university breadth subjects.

Participating in such subjects can take students away from their core discipline for up to 20 per cent or 25 per cent of their learning time or their contact hours. I hope the focus remains on performance art within the VCA stream — there will be three main streams within the new faculty — and that we do not try to force upon students streams that would be better suited to those who want to go on to be academics or educators. We must ensure that the subjects remain relevant to their stream of interest and make sure that by the time they finish their university courses, they are fully qualified and trained, and are ready to get out into society and do what it was that they set out to achieve when they went to university.

The VCA has an incredibly proud history of lecturers who practise in their fields, which makes it so very special. I refer to such people as Alex and Andrián Pertout. I believe Andrián is in Japan at the moment, listening to one of his phenomenal scores being performed. He is an absolute genius. He has travelled throughout the world to listen to his music be performed as sometimes his music is debuted elsewhere.

Other people I would like to mention at the VCA include Martin Croft, who is also prolific in the world of music theatre. Most people would know Paul Grabowsky for his television as well as performing career. He is a great jazz musician.

There are many graduates of the VCA who go on to be not only performers but who pursue teaching careers. I refer to such people as Shannon Birchall and Michael Barker from the Australian Recording Industry Association, or ARIA, award-winning band, the John Butler Trio. Graduates include people like former Archibald Prize winner Marcus Wills; Vince Colosimo, who a lot of people would know is a TV and film actor; and Gillian Armstrong, who has directed many movies.

Some members might be going tonight to the Australian premiere of *Mary and Max*, an animated film by Adam Elliot, who is one of our own from Melbourne. He has won an Oscar and had the prestige of opening the Sundance Film Festival with *Mary and Max*. Other graduates include James Eggleston, whom I have just seen perform the role of Don Ottavio in the Victorian Opera's production of *Don Giovanni* and who is about to perform at Opera in the Market. The graduates include Bill Henson, the photographer, who is not without controversy, and also choreographers and soloists right around the world. All I can say is: congratulations to the university for facilitating this merger and I wish its faculty many years of good teaching.

Mr ROBINSON (Minister for Gaming) — I would like to thank the members for Nepean, Mildura, Sandringham, Eltham, Mill Park and Bayswater and the Minister for Mental Health for their contributions to the debate on the Melbourne University Amendment Bill.

The bill is not the most substantial piece of legislation to come before the place but it is significant. Members who made contributions did so in a very genuine effort to extol the virtues of both the Victorian College of the Arts and the University of Melbourne, particularly through its faculty of music, and they did a very good job. The member for Bayswater in the most recent contribution to the debate ran through a list of very distinguished alumni of the VCA, and in doing so drew proper attention to the fact that the city of Melbourne and the state of Victoria are very much the creative centre of Australia. Others may well make that claim, but we all know that ultimately people with a creative bent find their way to this great city and this great state.

In contemplating a number of matters that were raised in this debate, it is true that the University of Melbourne has played a fundamental role in the development of the city of Melbourne and the state of Victoria. The university was established around 1860. I will not profess to know the exact date, but it was not long after Melbourne had been settled. It arose from a desire to cement the then very young and bustling city as a centre of civilisation and achievement. Reflecting on that period, it would not have been an easy task, given that bushrangers roamed the outlying areas and there was gold fever among people. Melbourne was in many respects a fairly lawless place in some areas, so the establishment of the University of Melbourne was seen as a great step forward in promoting this city as a civilised capital.

I did not attend the University of Melbourne, but my history course at Monash University taught me that for a while the library at the University of Melbourne was one of only three or four great libraries across the city. Again, libraries were seen as a great symbol of the civilising influence of education and educational institutions. We have the Supreme Court Library, the library with its great reading room in the centre of the city, and the Melbourne University library that was held up for a very long time as a symbol of Melbourne's progress.

The University of Melbourne played a fundamental role in the city for about a century, when it was the only university. It has been in only the past 50 years or so that we have seen an expansion of other universities: Monash University, as I indicated; La Trobe University, I think in the 1960s; Deakin University; Victoria University; Ballarat University; and others. Now we have a very liberalised university sector in which universities from other states establish themselves here as well.

Melbourne University maintains a strong association with this Parliament, not only by virtue of the large number of members who have been educated there but also through the internship program. We have probably all at different stages had in our offices interns from Melbourne University. The university is a great complement to the development of artistic talent in this state, and there have long been associations and connections that have run from the university through its faculty of music through to the Victorian College of the Arts and infiltrated all parts of life in this state very positively. As a very sensible progression, the bill provides for the amalgamation of the faculty of the Victorian College of the Arts and the faculty of music of Melbourne University. It takes the great legacy of the University of Melbourne and that of the Victorian College of the Arts and brings them together, at the same time preserving the name of the Victorian College of the Arts in the name of the new faculty of the university and it sets a very firm direction for the future. It does so very positively.

We have in the city a great musical and artistic infrastructure base. In recent weeks we had the opening of the new Melbourne Recital Centre. Most members would have had the opportunity to visit that outstanding building. I was lucky enough to attend its opening. I sat next to former Premier, Jeff Kennett, and we had a good chat about that building. Mr Kennett is a very well-rounded person now in post-political life and is able to converse on matters like this in far more detail than I was able to converse with him in the couple of years we spent together in this place — and that is a good thing.

We also have a great state opera company, and recently I was able to attend a performance of the Victorian Opera. I did so in the company of the member for Warrandyte. I will not go so far as to suggest that he and I together resembled the Marx Brothers film, *A Night at the Opera*, but it is true to say that we have a lot to learn about opera! It was a very good night. We were entertained by performances of *Bluebeard's Castle*, and I might be assisted by my colleagues, but I think the other performance was *Carmina Burana*. It is the piece from which the beer advertisement music was drawn.

Mr Herbert — You're not getting a lot of support.

Mr ROBINSON — I am not getting a lot of support, so the record will show that the member for Warrandyte and I are not alone in not knowing a lot about opera and that we need to brush up on it. Melbourne has also supported the Melbourne Symphony Orchestra for many years, and conductor Richard Gill does an outstanding job with the orchestra and in his involvement with the opera as well.

We see the excellence that flows through the Victorian College of the Arts spilling over into our schools. I am fortunate enough to have in my electorate Blackburn High School, which has for many years supported an excellent vocational music program. There is a great relationship between the high school and the college of the arts. We need to think about music not just in terms of broadening the experience and the minds and imaginations of young Victorians but as a vocation in its own right.

The changes proposed in the bill are very sensible. The new faculty will include three schools: a school of art, a school of music and a school of performing arts. It allows us to perpetuate a great tradition in this city. We recognise the great and enduring role that has been played by the University of Melbourne. We recognise the incredible value that has been added to the state both in a day-to-day manner and to our reputation through the work of the Victorian College of the Arts. Going forward, this substantial contribution will only grow. It is for that reason that I very much appreciate the support of all members for the bill and wish it a speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

BUS SAFETY BILL

Second reading

Debate resumed from 10 March; motion of Ms KOSKY (Minister for Public Transport).

Mr THOMPSON (Sandringham) — In resuming my contribution to the debate on the Bus Safety Bill 2008 I would like to reiterate that the Brumby government has done much to elevate the volume of bus patronage within the Sandringham electorate. There are two principal reasons for that. One is the wildcat strikes by the Rail, Tram and Bus Union, which on 18 February this year left a train stranded at Richmond station, rendering the line unusable for 8 hours on that day. There were a number of commuters who had important commitments to meet on that day. One constituent was travelling to the city to meet her 92-year-old mother under the clocks at Flinders Street railway station and had to go into emergency overdrive to enable her to fulfil that commitment. A student on his way to orientation week at Swinburne University was not able to be there for his first day. They are just two people among many who were gravely inconvenienced by this wildcat strike. It was an outrageous action on the part of the union. The headline of Clay Lucas's article on 19 February is 'Sort out strife, Kosky warns union'.

The government also has a strong role in relation to this matter. The shadow minister in commencing his debate was not sure whether he could see Reg Varney on the other side of the table. I cannot see anyone who looks like Reg at the moment, but perhaps there is a Jack Harper or even a Blakey on the other side of the chamber, reflective of the ad hoc and poor manner in which services are being run on the bus and rail networks in Victoria at the present time.

In fairness to the government, the other factor which has led to the increasing instance of bus patronage in the Sandringham electorate is that late last year the railway line was upgraded with the placement of concrete sleepers along it, which led to delayed evening bus services that disrupted the travelling plans of many commuters in the months of October and November. Again a number of concerns were expressed to my office about notice of this service, the place of pick-up and drop-off and, sadly, the unexpected and long delays caused to commuters. Someone recently wrote to the local newspaper reporting her concern that the cancellation of services left her running late for a family

funeral in the city and forced her to make alternative travel arrangements. She had to get her car out and drive into the city.

Clay Lucas's 19 February article notes that:

> Thousands of commuters on the Sandringham line were yesterday left stranded when a train with only minor faults was halted at Richmond at 8.30 a.m. because of an internal dispute. The train could easily have been shunted to nearby rail yards for repairs.
>
> Instead, a bitter dispute between train drivers and controllers, all members of the Rail, Tram and Bus Union, left it stopped at platform 1 at Richmond for most of the day.

Numbers of constituents were seriously inconvenienced as a result of this action, leaving many having to catch the buses as an alternative form of transport.

The purpose of the bill is to initiate a stand-alone bus safety regime similar to that applying to rail safety in Victoria. One area of concern that the opposition has is that some bus companies provide commercial bus services with small buses with a driver supplied, and also hire out vehicles with a driver. To my understanding it has not been made clear how this will be handled, given that Victorians would expect accreditation to address driver competency. In terms of the accreditation process, one bus driver who lived in the local area had lost his right to drive a bus owing to a criminal conviction that did not involve an offence against a person. The bus company was happy to employ him to drive a bus, but unfortunately owing to the rigour of the regime applied he lost his livelihood as a bus driver.

The law needs to exercise discretion wisely and justly across the board, and whether it was achieved in this particular case I am not sure. Other constituents, including Jose Prendergast, who wrote to me late last year, have made representations to my office regarding bus services. The letter states:

> I would like to suggest that the number of buses running on this line be increased, in particular, to coincide with the trains which leave Hampton and Highett stations every 15 minutes. To only have two buses an hour servicing this route, neither of which connect with the train services, is not at all satisfactory. I am not familiar with the rest of the route between Southland and Berwick as I only travel to Southland and back or to Hampton Street or Highett station, but I'm sure an expanded service would be appreciated along the whole route.
>
> Given the increased use of public transport, in particular, the train services, more buses on this route would encourage people to leave their cars at home instead of battling to find parking at the stations or driving all the way to their destinations.
>
> Extra buses would also encourage shoppers to use public transport to travel to shopping centres such as Southland as parking there can be hard to find too.
>
> Also a speedier connection between the Sandringham line and the Frankston line would encourage more use of public transport.
>
> I firmly believe that the more frequent the bus service, the more people will use the buses, and if you cut back services, less people will use them.

The letter further states:

> … I am sure that it would help to take cars off the road, which in turn improves the environment and reduces the stress caused by heavy traffic and parking problems.

Representations have been made to Grendas to see whether that might be possible. Representations have also been made to me in relation to a particular bus that did not stop for a passenger, and Hazel Walker made representations through my office expressing her concern that on a hot day she was waiting at a bus stop and the bus drove straight past. It is important for buses to keep to a timetable, but to leave commuters stranded — —

Mr Hudson interjected.

Mr THOMPSON — If the member for Bentleigh had been here at the commencement of my speech, noting that he is meant to be covering this portfolio area, he might have heard the allusions to *On the Buses* and the fact that a number of members on that side of the house bear a striking resemblance to Jack or Blakey or Stan Butler.

Mr Hudson interjected.

Mr THOMPSON — I take up the interjection from the member for Bentleigh. The Labor Party would have made a much better fist of the job if it had taken action on 18 February when a train was stranded at Richmond station for 8 hours and a person was unable to meet her 90-year-old mother and another person was not able to get to university. Where was the member for Bentleigh on that day? What was he doing to help the people who rely on public transport? There was no other form of public transport and they were left stranded at stations in Victoria. The inefficiency of the service on that day was an absolute disgrace. What was the member for Bentleigh doing on that day? That is what my constituents would like to know. I am pleased to know that he will take the referrals of the people from the electorate of Sandringham to resolve the public transport fiascos in the future.

Mr NOONAN (Williamstown) — I have great pleasure in rising to speak in support of the Bus Safety

Bill. I will make a short contribution because I know others want to speak on the bill. From the outset I want to record my personal support of the bus industry, including the many operators both large and small throughout the state. The industry both provides an essential service as a mode of public transport and supports a range of industries including the community and tourism sectors. Without the bus industry a large part of the state would simply stop moving.

Bus drivers are the professional face of the industry, and I have been fortunate to have worked with many of them during my professional life. Generally bus drivers are very solid citizens who work extremely hard to get people safely from their origin to their destination. Of course safety is paramount in the bus industry. We are fortunate in Victoria because bus-related accidents and passenger fatalities are extremely rare. The safety performance of the industry is strong when compared to international standards.

The working environment for bus operators is different from what we might deem a traditional workplace. It is different because bus drivers share their workplaces with the general public both inside and outside the bus because they use the roads. This makes it almost impossible for drivers to have complete control over all safety aspects of their job. The key in this area, as in any occupational health and safety area, is to look at prevention. Unlike other road vehicles, buses frequently pull in and out of the traffic flow as well as stopping to pick up and drop off passengers. This comes with risks. As a condition of accreditation bus operators are required to advise Public Transport Safety Victoria of any bus safety incidents that occur when operating across Victoria.

In Victoria over the five-year period from July 2003 to the end of June 2008 there were 18 bus-related fatalities, 303 serious injuries and 243 collisions. I can assure the house that no driver or bus operator likes being involved in an accident. In fact when fatalities occur some drivers never return to driving a bus. Without a doubt there is a focus on safe operations in the industry, and employers, drivers and operators need to be commended on their approach.

The fundamental purpose of the bill is to provide for the safe operation of bus services in this state. In particular there is a focus on effective management of safety risks in the operation of buses. There is a focus on continuous improvement in terms of safety management, as there ought to be. There is a focus on maintaining and improving public confidence in the safety of buses and, critically, there is the involvement of relevant stakeholders. Finally, there is a safety culture among persons who participate in providing bus services, and that is an important distinction because the purpose of the bill is to ensure that everyone who works in the bus industry shares in the responsibility for delivering safe services to the travelling public. That is where the bill is visionary and groundbreaking and replicates what has happened in the road freight sector where everyone who is responsible for the movement of freight shares in the responsibility for moving that freight safely. In terms of carrying passengers, everyone right throughout the chain should have a stake in ensuring that safety is paramount.

With those few words I endorse the bill. I believe it is visionary and groundbreaking legislation. I commend the Minister for Public Transport for bringing the bill to the house, and I certainly wish it a safe passage.

Ms MARSHALL (Forest Hill) — I am very pleased to rise to make a very brief contribution to debate on the Bus Safety Bill 2008. Quite simply, the bill is designed to improve the safety of bus operations in Victoria and to modernise bus safety regulations. In turn it is hoped that it will increase the confidence of the public in travelling by bus, which will increase patronage and reduce traffic congestion.

To put the bill in context, it is part of a comprehensive review of public transport legislation which has been under way since 2004. It was included in the annual statement of government intentions in early February 2008. The bill will create a bus safety act to be administered by the director of public transport safety, and it will formally separate the bus safety regulation function from other responsibilities of the director in relation to buses. Once the safety regulations are removed it will rename the Public Transport Competition Act 1995 to the Bus Services Act 1995 to ensure that the act relates solely to the delivery and planning of bus services. This is a fabulous bill. There has been a lot of consultation with the industry, and I wish it a speedy passage through the house.

Ms MUNT (Mordialloc) — I would like to make a quick contribution to debate on the Bus Safety Bill 2008. Basically the bill extends the range of powers and regulations to oversee the safety of buses in Victoria. Currently more than 40 per cent of the bus fleet is unregulated, mainly the buses with 10 to 12 seats. They will now come under this framework of legislation.

Bus patronage has grown by at least 12 per cent. The SmartBuses in my electorate have enjoyed an almost 100 per cent increase in patronage. With this increase in the bus sector we have to have confidence that it will be regulated under the safety regulations of the state that

already apply to train and road services. There are many schools in my electorate, and a lot of students travel on buses; the proportion is growing day by day.

A fortnight ago we had a consultation meeting with the public to look at more bus services for my electorate — —

An honourable member interjected.

Ms MUNT — There are people who do not drive and young people, including my children, who travel on buses every day.

I applaud this new safety regime to cover the bus industry and, in particular, to ensure the safety regulation for those people who use buses, particularly in my electorate. As a former school council president I find it gratifying to see more safety regulation coming in. When you send your children to school, it is nice to know that when they go on excursions from school their safety can be assured as much as possible. I commend the bill to the house.

Ms KOSKY (Minister for Public Transport) — In summing up the debate on the Bus Safety Bill, I thank all members for their contributions. I thank the member for Bentleigh, the member for Polwarth, the member for Sandringham, the member for Geelong, the member for Mildura, the member for Williamstown, the member for Forest Hill and the member for Mordialloc, who all contributed to the debate on this very important bill.

The bill provides a new best practice safety regulation regime for Victoria's growing bus industry. It is a major step in the modernisation of transport safety regulation that began with the Rail Safety Act 2006 and will be completed with the government's review of marine safety regulation.

The introduction of this bill is very timely because it coincides with the largest expansion of the bus network in decades and significant patronage growth on both metropolitan and regional buses. In short, this bill will do for the bus sector what the groundbreaking Rail Safety Act did for the rail sector — it will maintain Victoria's position as the national leader in transport policy and legislative reform.

I thank members of the Department of Transport who have worked over a long period of time, not only on the development of the bill but with the sector, to ensure the bill has strong support across the community. I particularly thank Gavan O'Farrell, Hilary de Vries and Ian Shepherd at the Department of Transport, who prepared the bill and did all the consultation that was required. I wish the bill a speedy passage through this place and the other house. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

MELBOURNE CRICKET GROUND BILL

Second reading

Debate resumed from 11 March; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Ms ASHER (Brighton) — I am delighted to contribute to debate on the Melbourne Cricket Ground Bill. I have to say in passing that four of the great days of my life occurred at the MCG. On the last Saturday in September of 1984, 1985, 1993 and 2000 Essendon Football Club won premierships under the great Kevin Sheedy. I was once asked to designate my favourite place in Victoria. I designated the MCG because it is indeed a superb football ground — —

Mr Robinson interjected.

Ms ASHER — The spiritual home of the Australian Football League. It is obviously very important that this ground maintains a major role in the sporting history and sporting culture of Victoria, but it is also important that it fulfils a role of hosting major events in the state of Victoria.

As other speakers have mentioned, the bill rationalises seven acts of Parliament, removes some elements of redundancy and introduces four new elements to what was previously there in various acts of Parliament. I want to refer to the second-reading speech, in which the government said:

> This bill puts … policy into practice by reducing the number of acts …

It reduces the number of acts on the statute book. Although it is a sensible approach that the bill amalgamates seven acts into one, I think it is nonsense if the government claims this is going to be part of its regulation reform program. As you, Acting Speaker,

would know, the government has established some targets for its cutting of red tape program, which was a key promise in its small business policy in both the 2002 and 2006 election campaigns. I will wait to see what the Minister for Small Business does, but if the minister claims this is part of the red tape reduction program, as the second-reading speech seems to indicate, that is a nonsense. The reduction of red tape program is meant to assist business overall. I am in favour of a red tape reduction program. But the second-reading speech seems to hint that the government is going to be claiming this as some sort of small business red tape reduction.

The red tape reduction program is intended to benefit broad classes and categories of business. Whilst I guess it is debatable whether the MCG will benefit from this — I suspect the MCG, the Melbourne Cricket Club and the trustees are well familiar with the acts under which they are governed — I await the outcome with interest. I flag to the Minister for Small Business that I will be tracking this. If this is seriously put forward as a part of the government's reduction of red tape for business program, it shows that the program is nonsense. But I will wait to see what the minister does.

There are three areas of change mooted in the bill plus proposed government amendments circulated in the house. First — and I suppose this will be significant for those of us interested in major events — the government will ask the MCG Trust to advise the minister on the construction and management of sports facilities and on major events. I have been in this chamber long enough to remember when members of the Labor Party were not in favour of major events being included as a tourism strategy. I recall the expression 'bread and circuses' being used around the place, and I clearly remember members of the Labor Party not being as strongly in support of major events as they now are. However, I am pleased that the government has come to the conclusion there is an economic benefit for Victoria from these major events, not only from the number of international and interstate visitors who come to our state and boost expenditure in restaurants, hotels and retail but also for the international branding of Melbourne. There is no doubt that the MCG plays a role in that.

However, this provision — as I said, under the amendments before the house, the MCG Trust will be asked to advise on major events — is an unusual ask by the government. Again we will be looking very closely to see whether it works. I have no doubt that members of the trust have expertise, but whether that is transferable to the construction and management of other sporting facilities will be interesting to see. We will observe the progress of that, but on the face of it this role is not necessarily front of mind when one thinks of the MCG Trust.

The second change mooted by the government is designed to prevent the exploitation of the Melbourne Cricket Ground through unauthorised commercial purposes. Again there is a great degree of economic and ordinary common sense in support of that particular amendment. The third substantive change, as opposed to just the amalgamation of acts, relates to the floodlights on the ground. I remember a range of concerns being expressed about those floodlights before they were put in place, but I guess that is beyond the scope of the bill before the house. Indeed, legislation providing for the construction of the light towers has now been made redundant. They were amazingly controversial at the time and you, Acting Speaker, would be as aware as I am of the role the unions played in that particular construction program.

I make reference also to the fact that the bill will allow replacement, refurbishment and upgrade of the towers, subject to approval by various ministers. Again, if the government has this program on its agenda, we would be delighted if that program were made public so that everyone knows what plans the government has for those towers.

Finally, house amendment 10 proposes inserting new clause 16AA. It will provide certainty, which is the government's terminology more than mine, for the occupancy of the Melbourne Cricket Club. I understand that the cricket club has agreed not only to long-term tenure but to the clauses of this amendment, which allow the Melbourne Cricket Club to occupy the MCG provided it meets certain criteria.

As I said, this is an interesting piece of legislation. I hope the government does not claim it as a reduction of the burden on business. It is a sensible approach to amalgamate seven acts into one. I will look with interest to see whether the government uses the MCG Trust's advice on the management of major events and sportsground facilities. That will be of major interest to me in monitoring the operation of the act.

In conclusion, like so many residents of Melbourne and Victoria, I think this ground has provided great activities and great events. I love the Boxing Day cricket tests. As I have said, four of the best afternoons in my life have been spent at the Melbourne Cricket Ground — and I expect Essendon, under new coach, Matthew Knights, to have more great days in September at the MCG.

Ms MARSHALL (Forest Hill) — It is with great pleasure that I rise to speak on the Melbourne Cricket Ground Bill 2008. As a member of the sports community and a representative of sportspeople at all levels throughout the electorate of Forest Hill, I consider it imperative that facilities, whether they be the Box Hill cricket ground or the Melbourne Cricket Ground, are governed to ensure a positive experience for everybody.

This bill will create a simpler legislative framework for the MCG in the form of a single act of Parliament. Currently there are seven different acts relating to the MCG. Amalgamating them into one will make the active provisions of the legislation more easily identifiable than it is currently. This will be achieved through such things as the repeal of provisions containing outdated recitals, spent provisions for adding land and strata to the ground, schedules showing land and strata added to the ground over time, provisions validating actions that took place prior to the passage of the original act in 1933, provisions giving power to the Treasurer to execute indemnity or other arrangements for the management or improvement of the ground, spent transitional provisions, and provisions giving the power to close Brunton Avenue to facilitate the construction of the Great Southern Stand. The government will also be delivering on the undertaking in its February 2008 statement of government intentions to reduce the number of acts on the statute book.

It is pleasing to see that the bill includes provisions in relation to the establishment and existing functions, constitution and procedure of the trust; the grant of the ground to the trust; the power of the minister to give direction for leases and licences; the borrowing powers of the trust and guarantees for the Melbourne Cricket Club; the development and use of standards not subject to the Planning and Environment Act 1987 — because the construction and operation of floodlights, prohibited by that act, are necessary for an icon of such state and national importance; regulations; and the tendering of management contracts. The wording of current provisions is updated in some instances to reflect contemporary use without affecting the intent.

I would like to praise the initiative of the government in giving the MCG Trust an additional function, recognising the expertise of the trust and the MCC, in providing to the minister on request advice about matters relating to the construction and management of major sporting facilities and events. No doubt this additional function will enable the minister and the trust to be more proactive in responding to challenges and opportunities arising at the MCG. This addition to the bill has the support of the MCG Trust, which is more than happy to take on this new function. This is a simple but terrific bill, and I am very pleased to have been able to make a contribution to the debate on it. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to briefly speak on the Melbourne Cricket Ground Bill 2008. The purpose of this bill is to merge seven existing acts into one, some of which contain redundant provisions. I also support the amendments that the government has circulated, because this ensures certainty for the MCC (Melbourne Cricket Club) in that it is entitled to occupy the MCG in the same manner as it has in the past.

As a consequence of this bill, the MCG Trust will be allowed to protect the playing area and other facilities. It will promote public safety, facilitate proper site management and, perhaps most importantly, protect and preserve the reputation and worldwide recognition of the MCG.

People from all over Australia and indeed the world speak highly of the MCG. Given that Lord's, Wembley and Old Trafford in England, Eden Gardens in India, and Madison Square Garden and Yankee Stadium in the USA are considered among the greatest sporting arenas in the world, it can also be said with much pride that the Melbourne Cricket Ground — the G as it is also known — can hold its place in this illustrious company.

The ground was built back in 1853 when the then 15-year-old Melbourne Cricket Club was forced by the government to move from its former site because the route of Australia's first steam train was to pass through the oval. Since then the MCG has established a marvellous history that compares favourably, as mentioned earlier, with any other in the world, hosting plenty of international cricket, including the first ever test match, and the 1992 World Cup final, countless Victorian Football League and Australian Football League games and the 1956 Olympic Games, at which unfortunately I was not present. I am not sure whether you, Acting Speaker, were present for the 1956 games in Melbourne, but I was not born then!

Other sporting spectacles that have been held at the MCG are the Australian World Cup soccer qualifiers, home-and-away and state-of-origin Rugby League matches, international Rugby Union clashes and the 2006 Commonwealth Games. Apart from its sporting events, the MCG has also witnessed many blockbuster music concerts — and even Pope John Paul II held a mass there when he visited Melbourne in 1986.

Another feature of this bill is to further cement the reputation of this wonderful iconic landmark and to ensure that those who may wish to exploit its reputation for commercial gain or otherwise are stopped from doing so. This stadium is central to the hearts and minds of many Victorians. It therefore cannot have its reputation tarnished or exploited in any way. But rather than hoping that this remains the case, this bill will ensure that the G preserves its reputation. In addition, the bill also allows for the G to continue to grow and allow alterations, when required, to be made in consultation with the trust. One can only hope that any future alterations only add to the reputation of this internationally recognised stadium.

The provisions in the bill will go a long way towards ensuring this stadium keeps pace with advances in worldwide technology and can implement these changes assuming that the normal channels of process are met. I do, however, seek some clarification from the minister on how this will be achieved.

The G has come a long way since it was built in 1853. The Melbourne Cricket Club, which had its inception in 1838, regards the preservation and display of its rich heritage collection as paramount. The showcasing of this heritage when hosting visitors and significant events at the ground has given the MCG a desirable reputation. The recently completed northern stand redevelopment, for example, has provided the MCC with the opportunity to enhance its commitment to heritage with the much improved Melbourne Cricket Club Museum and other heritage features throughout the ground, including the Tattersall's Parade of Champions and the National Sports Museum.

It is fair to say that many Australians now regard the G as the place to celebrate our fabulous sporting heritage. The new National Sports Museum at the G is therefore at the right place for this outpouring of sporting pride. It is also fitting in that a great number of the sports stars honoured in the National Sports Museum have etched their names in the national memory through their achievements at the MCG.

The sheer size of this stadium also adds to its mystique in the sense that it can house so many people and be located within walking distance of the Melbourne central business district. The MCG holds approximately 100 000 spectators and measures 174 metres by 149 metres, from fence to fence. Approximately 350 man-hours are spent per week maintaining the turf, which includes: rolling, cutting, repairing, installing, irrigating, re-sodding, watering, doing maintenance, and planning and scheduling.

The MCG has kept up with changes over the years to make it one of the most accessible stadiums, possessing all of the modern amenities that patrons could expect to enjoy. In this respect I believe it rivals any other stadium in the world.

The MCG, which is often referred to as 'the people's ground', is the very centrepiece of the Victorian sporting fraternity, and it means so much to so many people. The songwriter and singer Paul Kelly has written a wonderful song dedicated to the significance of the MCG. You often hear it, particularly in the days leading up to the grand final.

Most importantly the MCG allows Victorians from all walks of life and from all corners of the state to assemble together there, reflecting the Australian spirit of goodwill and banter. With all citizens being placed under enormous pressure given today's lifestyle, the MCG offers an outlet to escape from the trials and tribulations of day-to-day living. As such it adds enormously to our social cohesion, and this should not be undervalued.

In summary, the bill has three main objectives. It provides the trust with increased powers in the area of management of major sporting events and enables it to consult with the minister on matters relating to the construction and management of major sporting facilities.

I ask the Minister for Sport, Recreation and Youth Affairs to elaborate on what he means by clause 6(1)(c)(i), whether it means alterations to the MCG or whether it means alterations to other sporting fields like the Bob Jane Stadium, where the South Melbourne Soccer Club is currently housed. I would appreciate it if, in his summing up, the minister could provide some clarification of what the provision means.

The bill also deals with the unauthorised commercial exploitation of the MCG name; I support that provision. It also allows the trust to replace, remove, refurbish or upgrade the floodlight towers. We will all recall the history of those towers, as was mentioned by the member for Brighton, and in particular the thuggery of the union movement at the time. It is interesting to note that ALP members tend to forget history when it does not suit them. For these reasons, I will not be opposing this bill.

Mr NOONAN (Williamstown) — It is a great pleasure to rise and support the Melbourne Cricket Ground Bill 2008. This bill is very much a sports lover's dream. It has allowed the member for Lowan to reminisce about his 46 senior games with Essendon

during the 1970s — although I would need a little more than 10 minutes to step through each of those games! As I understand it, he played those games in the 1970s when I was a young boy, so I did not see the member for Lowan play those matches. There would be a few other members here who are too young to have seen him play, but I will get back to the point.

Mr Delahunty — I will give you a video.

Mr NOONAN — I look forward to the video. Is it Beta or VHS?

The ACTING SPEAKER (**Mr K. Smith**) — Order! On the bill.

Mr NOONAN — Thank you, Acting Speaker. I could not resist.

The objective of this bill is to create a simpler piece of legislation for the Melbourne Cricket Ground in the form of a single act, as has been referred to by other speakers. This will enable the active provisions in the current legislation to be identified more efficiently than at present.

The main thrust of the bill is to simplify what over time has become a cumbersome cluster of acts administering the MCG. As previous speakers have alluded to, there are currently seven acts relating to the MCG. These range from the earliest, the Melbourne Cricket Ground Act 1933, to the most recent, the Melbourne Cricket Ground Trust Act 1989. Many of the provisions in these acts are now redundant, making it awkward and inefficient to clearly identify all of the active provisions. To remedy this the government proposes to repeal the seven existing acts and create one single act which will preserve all of the necessary provisions into the future.

The bill also introduces three key changes to existing provisions. Under the first of these the bill gives recognition to the expertise of the Melbourne Cricket Ground Trust and the Melbourne Cricket Club (MCC). This recognition will be in matters relating to the construction and management of major sporting facilities. Importantly this recognition will extend to major events. The existing functions of the MCG Trust will remain unchanged.

Under the second change the bill strengthens the existing prohibition on unauthorised commercial exploitation of the name 'Melbourne Cricket Ground' and the initials 'MCG'. The bill adds to the present arrangement of prohibition by introducing a penalty of 100 units for individuals and 600 units for bodies corporate who use these names without seeking authorisation.

The third change relates to the MCG's floodlight towers and floodlights. The house will recall that these light towers, the largest of their kind in the world, were constructed under the premiership of John Cain. Authorisation to construct any towers will be removed under the new legislation, whilst the MCG Trust will receive authorisation to replace, remove, refurbish and upgrade them. Further, the protection from legal action in relation to the operation of the floodlights is being updated and more clearly targeted. In addition to these key changes, the bill introduces a number of minor changes to refine and update the legislation.

Consultation is always important when making these sorts of changes, and there has been significant consultation with the MCG Trust and the MCC. I understand that they have given their full support to this bill.

In terms of the government's policy, replacing the seven current acts with just one all-encompassing act means the bill addresses the state government's commitment under its reform legislation policy to reduce the number of acts on the statute book.

I suppose I need to say a couple of things about the ground. Melbourne has developed a worldwide reputation as a host of high-level international sporting events. Like most members of the house, I have been a spectator at many of these great events, most notably in recent times during the 2006 Commonwealth Games, which was a great event for Melbourne and Victoria. The MCG plays a central role in maintaining this reputation, as it is without doubt the spiritual home of sport in Melbourne and Australia. In terms of tourism, it attracts 250 000 international visitors a year, many of whom come to the large sporting events held at the MCG.

I am pleased that the Brumby government has made a commitment more broadly to establishing and improving a world-class sporting precinct under its 10-year tourism and events industry strategy. I think most members would have noticed the rapid development of the new rectangular stadium in Swan Street, which promises to be another exciting venue. It will be home to a number of sporting teams in Melbourne. The ongoing improvements to this precinct will help Melbourne maintain a competitive advantage when it comes to attracting major sporting events to Victoria.

The facts and figures about the MCG are remarkable in themselves. Each year the MCG attracts 3 million visitors, most of whom attend for the various cricket and football fixtures over the summer and winter

months. Nowadays about 45 home and away football matches are scheduled at the G, plus a few finals each season including the grand final, which attracts a television audience in the vicinity of 2 million to 3 million people.

There have been many great sporting moments at the G as well as many non-sporting moments when the ground has been used for alternative uses. One memorable day for me was the first day of the Boxing Day test in 2006 when Australia played England. It was a much anticipated event in the ground's history and a crowd of almost 90 000 saw Shane Warne snare his 700th test wicket in his last match on the famous MCG turf.

I could go on and on, but in the interests of giving others an opportunity to talk about the ground and reminisce about their favourite sporting moments, I might draw my contribution to a conclusion — although I could always return to talk about the member for Lowan's contribution to the Essendon Football Club!

In conclusion, this bill replaces the cluster of previous legislation, much of it obsolete and irrelevant, with a single up-to-date act. It will allow the MCG Trust, the MCC and the state government to administer this iconic ground in a more efficient and straightforward manner. Therefore I commend the bill to the house, and live in hope that my beloved Bulldogs may provide me with that one happy memory. I live in hope.

The ACTING SPEAKER (**Mr K. Smith**) — Order! I call on the member for Kilsyth and ask him to control his excitement for the football.

Mr HODGETT (Kilsyth) — The member for Williamstown finished on such a sad note. I rise to speak on the Melbourne Cricket Ground Bill 2008. I state at the outset that the opposition will not be opposing this legislation. As we have heard, the bill re-enacts and further provides for the law relating to the Melbourne Cricket Ground in order to create a simpler legislative framework for the MCG.

The bill repeals the seven existing acts relating to the MCG, namely the Melbourne Cricket Ground Act 1933, the Melbourne Cricket Ground Act 1951, the Melbourne Cricket Ground (Trustees) Act 1957, the Melbourne Cricket Ground Act 1983, the Melbourne Cricket Ground (Guarantees) Act 1984 and the Melbourne Cricket Ground Trust Act 1989, and makes consequential amendments to various other acts.

I note that last night the government circulated amendments to the bill. I am pleased that those amendments have been brought in at this late stage of the process as the Melbourne Cricket Club needs to be given certainty in its role. These amendments give greater certainty to the Melbourne Cricket Club, which as we all know is the major tenant at the ground.

Turning to the main provisions, as I have stated, the bill repeals the seven existing acts and consolidates the existing provisions of the MCG legislation. There are three key areas of change to the existing provisions. The first is the provision of an additional function for the trust to provide the minister, on request, with advice about matters relating to the construction and management of major sports facilities, such as stadiums, and the management of major events. This is contained in clause 6, 'Powers and functions'. It states:

> (1) The functions of the Trust are —
>
> (a) to manage, control and make improvements to the Ground at the Trust's discretion; and
>
> (b) to carry out any other function conferred on or given to the Trust by or under this Act or any other Act; and
>
> (c) upon the request of the Minister, to provide to the Minister advice in relation to —
>
> (i) the construction and management of sporting facilities; or
>
> (ii) the management of major sporting events.

Paragraph (c) contains the provision I mentioned.

The second area is the unauthorised commercial exploitation of the MCG's name, which is covered by clause 26, 'Commercial exploitation of name prohibited'. I quote from the clause:

> A person, in the course of a trade or business, must not assign the name "Melbourne Cricket Ground" or the initials "MCG" as the name, or part of the name, of any place that is not the Ground, or a part of the Ground, unless authorised by the Trust.

The penalty in the case of a natural person is 100 penalty units, and in the case of a body corporate it is 600 penalty units.

This is a welcome provision. Last night the member for Lowan spoke about ambush marketing. We do not want to witness any unauthorised use, misuse or commercial exploitation of the MCG's name, so we must strongly protect it. Businesses and other organisations pay a substantial amount of money to sponsor events at the MCG, and it is proper and right that we do everything we can to protect the MCG's name and impede any unauthorised commercial exploitation of it.

The third key area is the updating of the provision that authorises the trust to replace, remove, refurbish or upgrade the floodlight towers. This is subject to the approval of the ministers administering the Crown Land (Reserves) Act 1978 and the Planning and Environment Act 1987, as are the existing provisions relating to construction.

The bill updates the protection against legal action in relation to the floodlights provided by section 4 of the Melbourne Cricket Ground Act 1984. Other minor changes to the legislation include an alteration to the circumstances in which trustees can be removed and an adjustment of the provisions in relation to the trust's annual report. Finally, as I mentioned earlier in my contribution, there has been a late amendment to the bill giving greater certainty to the Melbourne Cricket Club, which was excluded in the drafting of the bill.

I note that the MCG's major tenants have all been consulted. As other members have stated, the organisations consulted include the Melbourne Cricket Ground Trust, the Melbourne City Council, the Australian Football League, the Melbourne Cricket Club, the Collingwood Football Club, the Essendon Football Club and the Melbourne Football Club.

As a number of other members have mentioned in their contributions, the MCG has seen the 1956 Olympic Games and the 2006 Commonwealth Games. It has hosted many important non-sporting events, including a Billy Graham event in 1959 that the minister informed us drew an estimated crowd of 130 000 people, and a mass conducted by Pope John Paul II in 1986.

The MCG has hosted many sports, including soccer and Rugby — both Rugby Union and Rugby League, I believe. It has also hosted concerts and events by many of the world's most popular performers.

An honourable member — Name them all!

Mr HODGETT — I will not name them all, but I have enjoyed a few concerts in the ambience of the MCG.

The MCG is the home of cricket — and of course the Boxing Day test — and Australian Rules football. It is host to that one great day in September, the AFL Grand Final. It has seen many grand finals, including the 1980 grand final when Richmond crushed Collingwood by 81 points, a record margin at the time. The MCG is very much the people's ground. It is the major sporting venue in Melbourne, Victoria and Australia, and it is recognised as one of the best sporting venues in the world. I wish the bill a speedy passage through the house, and I look forward to the Richmond Football Club playing off in this year's grand final, with Richo kicking the winning goal off a handpass from Ben Cousins. I commend the bill to the house.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise in support of the Melbourne Cricket Ground Bill 2008. I will briefly refer to the statement of compatibility. I commend the minister and his staff on a very good statement. As I have said on numerous occasions, I pay close attention to these matters since I am a member of the Scrutiny of Acts and Regulations Committee. I think it is good that the minister has addressed a range of important issues including property rights, freedom of movement and freedom of expression. In relation to that it ought to be said that the Melbourne Cricket Ground Bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with human rights. It does not limit the right to freedom of movement under section 12 of the charter or the right to freedom of expression under section 15.

The objectives of the bill are to provide for regulations that allow the trust to protect the playing area and other facilities, promote public safety through proper, safe management and protect the reputation and goodwill associated with the MCG. The bill re-enacts and further provides for the law relating to the Melbourne Cricket Ground and repeals seven existing acts relating to the MCG.

The bill provides for a further function of the Melbourne Cricket Ground Trust, it modifies the provisions relating to the floodlights at the MCG and it introduces an offence for unauthorised commercial exploitation of the MCG's name; it also makes a number of other changes to refine and update the legislation. Indeed the Melbourne Cricket Ground is a defining part of Melbourne and a key place in the lives of many Victorians.

I wish to conclude with a short story. After I was first elected in 1999 a famous match was played at the MCG between Australia and Uruguay; members may be aware that I come from Uruguay. I attended that match with former Premier Steve Bracks.

Mr Seitz interjected.

Mr LANGUILLER — The member for Keilor interjects and asks me who I supported. I remember attending the match, and halfway through I saw a bunch of Uruguayans and Latin Americans who asked me exactly the same question, 'Who are you barracking for?'. At that point in time, given the conflict of interest, I decided to walk away from the MCG and

back to Parliament; if I recall correctly, I finished watching the match with the now Minister for Finance, WorkCover and the Transport Accident Commission.

I then got a call from someone at the *Age* who asked me the question, 'Who did you barrack for?'. I wanted to walk away from the phone call and said I was busy. He said, 'Just one question!', which was of course, 'Who did you barrack for?'. At the time I responded quite courageously by saying, 'It is like asking me whether I love mum or dad the most'.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the debate on the Melbourne Cricket Ground Amendment Bill. Firstly, I would like to commend the member for Lowan for the extensive and precise contribution he made to the debate last night. It was fantastic, and we have gleaned a lot from what he had to say.

As many members have said, the Melbourne Cricket Ground is a wonderful asset to Victoria. I have had the privilege of attending a number of Australian Football League (AFL) grand finals as early as the 1970s. The member for Kilsyth made reference to the 1980 grand final. As an avid Tigers fan, unfortunately I went to the two preceding and two subsequent grand finals, but I missed the one of 1980; however, I do have a good DVD of that match.

The 2006 Commonwealth Games were held at the MCG. It was fantastic to be able to take your family along to that venue to watch some of the best athletes in the world participate in those games. I have fond memories of those games.

During the debate members have made reference to Boxing Day test matches and cricket matches being held at the MCG. As a regional member of Parliament and a resident of a regional area, I have made many trips to the Boxing Day tests over many years and have had a fantastic time. It is amazing to see what the MCG has become today. It is a magnificent asset to our state. My next visit to the MCG might be on 26 March for the opening AFL game, Richmond versus Carlton. I will be there with bells on, with my family.

The provisions of the bill will prohibit the unauthorised commercial exploitation of the MCG's name. I remember speaking on previous legislation that went through this Parliament in respect of aerial advertising. This bill takes a similarly sensible approach. As we know, the aerial advertising of sponsorships is vital to any event or any club, so we should allow them to be protected and make sure there is enough security so that the people who contribute significant amounts of funding are protected through that avenue. I am pleased that the MCG name will not be able to be exploited without authorisation.

I am reminded of the McGinniskin family in my area, who are all known as the MCGs! I am not sure how, because they have been bestowed with that nickname, they fit into the equation of exploiting the commercial name of the MCG.

On the subject of advertising I want to make a point about some of the aerial advertising that occurs these days. I had a conversation with Janine Hayes from Aerial Skydives. She told me that many aerial appliances these days are able to have sponsorship and advertising trail behind the planes. Perhaps we should apply the legislation for major regional events as well, whether they be the local football grand finals or other events. We should consider taking that matter further.

The bill also updates a provision that will allow and authorise the Melbourne Cricket Ground Trust to replace, remove, refurbish or upgrade the floodlight towers. Many other members have previously spoken on the issue at the time of the construction of the MCG light towers. Given what we have today, it is hard to look back on those days and think we should not have installed those towers. Where would we be today if we did not have them? We only have to think of some of the events, including night football, we would not have been able to hold. Cricket and soccer, as you mentioned, Acting Speaker, have also been beneficiaries of the light towers at the MCG.

In his extensive contribution, the member for Lowan made reference to his having graced the hallowed turf. I congratulate him for that. Obviously other members of Parliament have done the same. The member for Benalla and I have had the privilege of playing on the MCG turf. I did so as a player for Footscray back in 1985 at the reserves level.

Mr Delahunty interjected.

Mr NORTHE — That was another time. My experience on the MCG turf was for the last 10 minutes of the game. I was irate at the conclusion of that game. Mick Malthouse, who was coach of Footscray at the time, obviously did not see a lot in me, so he got his just desserts when in later years he was able to coach Collingwood to a couple of losing grand finals!

Honourable members interjecting.

Mr NORTHE — I am only joking! Mick has done well! Over time the development of the MCG has been enormous. In his contribution, the member for Lowan

made reference to the MCG's Great Southern Stand and northern stand. We have now seen the expansion of the concourse area outside the MCG onto Brunton Avenue, and over time we have seen the MCG develop into what I think is the best stadium in the world. It still makes the hairs on the back of your neck stand up when you enter the ground or walk in its vicinity.

The member for Lowan also referred to grassroots sporting facilities and how the investment in the MCG is warranted. There is no doubt about that. I think all members of Parliament are on the same page on that issue, but we also need to ensure that we have appropriate and adequate sporting facilities in regional areas. Grassroots level sport is vitally important as well.

Two sporting projects are under way in my electorate at the moment. The sporting complex in Traralgon is one that comes to mind, but it is in limbo at the moment due to a lack of funding. That precinct not only conducts junior football and cricket and other sport but also is part of the educational precinct in our region. We need to do something to make sure that these types of projects get off the ground.

The same could be said for Gippsland Power, an under-18s football team. Representatives from all over Gippsland form part of the TAC Cup team, and they are in the midst of constructing some facilities at the moment, but they also are having issues with funding. Whilst we can talk about all members of Parliament supporting the notion of making the MCG the best facility in the world, which it undoubtedly is — and previous governments have supported that — we should not forget our grassroots-level sporting teams.

In conclusion I wish the bill a speedy passage, and I am happy to have been able to make a contribution to the debate.

Mr SCOTT (Preston) — I, too, am happy to rise to support the Melbourne Cricket Ground Amendment Bill. As has been stated by previous speakers, the purpose of the bill is to re-enact and further provide for law relating to the Melbourne Cricket Ground and repeal a number of acts of Parliament, including the Melbourne Cricket Ground Act 1933, the Melbourne Cricket Ground Act 1951, the Melbourne Cricket Ground Trustee Act 1957, the Melbourne Cricket Ground Act 1983, the Melbourne Cricket Ground Act 1984, the Melbourne Cricket Ground (Guarantees) Act 1984 and the Melbourne Cricket Ground Trust Act 1989.

It is instructive to note that because there are so many acts of Parliament relating to the Melbourne Cricket Ground, it is sensible to merge them into one piece of legislation. That just demonstrates the cultural significance to Victoria of the Melbourne Cricket Ground. I note that other members have discussed their own personal experiences. I was ticking off in my own mind that so far as cricket is concerned I have been to international test matches, one-day games and Sheffield Shield games at the MCG. I have also been to football games, obviously, and soccer games at the ground.

An honourable member interjected.

Mr SCOTT — I attended some of the Commonwealth Games events but not at the MCG.

The Melbourne Cricket Ground is certainly central to Melbourne. It is not just a sporting venue, it is an iconic sporting venue that gives an international presence to Victoria around the world. If you visit the United Kingdom or India or other places where cricket is played, people know about the MCG in a way that they do not know about other sporting grounds in Australia. I have not even touched upon the role the ground played in the 1956 Melbourne Olympic Games and the recent Commonwealth Games. It is truly an iconic stadium and one which delivers to our community something beyond the sporting events. It has a cultural history. People attend events at the Melbourne Cricket Ground and it becomes a part of their life — people attend as families, with friends, with their children and parents. Within my own family, I remember that I attended the football there with a particular uncle, my father's brother, and that was part of our bonding experience when I was a child. The Melbourne Cricket Ground has played a critical role in so many people's lives, bringing so much joy and pleasure. I noted with some sadness references to such disgraceful organisations as the Collingwood Football Club, but I will let that slip through to the keeper.

This bill is a sensible piece of legislation which brings together seven acts of Parliament and makes a number of other amendments relating to important areas such as preventing the unauthorised commercial exploitation of the MCG's name. While it is an iconic stadium and part of our community, there are cynical people who would seek to use that status for their own ends to diminish that iconic status. This is a sensible piece of legislation.

There are other amendments that relate to the use of the floodlight towers. I am old enough to remember when night football and night cricket started, and that has been a useful and a significant change. Having sporting events conducted at night has added to the cultural success of our city. There are also a number of amendments relating to the role of the trustees in

relation to major events where they can provide advice relating to the construction and management of sporting facilities in the stadium and the management of major events. Again the MCG Trust has a fundamental contribution to make to our society and I think that is another sensible amendment.

I will keep my contribution relatively brief because I know other members want to speak. The MCG has been central to the lives of a large number of Victorians, my own included. I will finish with a personal anecdote. My earliest memory of the MCG is of attending as a very small child and watching the West Indies play against Australia at a test match. I can still remember Clive Lloyd flogging the Australian attack in a particular test there. As a child, I was a completely one-eyed and biased supporter, as many are, and failed to appreciate the aesthetic beauty of the destruction of the Australian attack that took place. That memory will stay with me for the rest of my life, and I know many other members around this place — I was not lucky enough to play at the MCG — will have similar memories that provide signposts to experiences and parts of their lives that have been defined by attending sporting or other cultural events at the MCG.

This is a sensible piece of legislation that helps build on the important role the MCG plays in the community. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The purpose of the Melbourne Cricket Ground Bill 2008 is:

> to re-enact and further provide for the law relating to the Melbourne Cricket Ground, to repeal the Melbourne Cricket Ground Act 1933, the Melbourne Cricket Ground Act 1951, the Melbourne Cricket Ground (Trustees) Act 1957, the Melbourne Cricket Ground Act 1983, the Melbourne Cricket Ground Act 1984, the Melbourne Cricket Ground (Guarantees) Act 1984 and the Melbourne Cricket Ground Trust Act 1989, to make consequential amendments to various other Acts and for other purposes.

The Melbourne Cricket Ground is one of the great colosseums of the world. It has been the scene of many great moments that most people from Melbourne would be associated with in one form or another through the history of the ground. I would like to digress and record elements through the eyes of a person who has worked at the MCG for the greater part of his adult working life. I refer to Peter French, who is the assistant to the chief executive officer of the Melbourne Cricket Club at the present time.

Peter has a number of personal highlights associated with his role at the MCG and sports administration and management. He captained the Melbourne Cricket Club third XI to a premiership in 1978–79 and the fourth XI to a premiership in 1980–81. Interestingly he was involved in the development of junior sport and junior cricketers, and after the Melbourne Cricket Club had been runner-up on nine occasions, in 1982 he successfully coached the Dowling Shield MCC team to its first win. That was a landmark achievement. Peter worked as the assistant secretary of the MCG Trust and was appointed secretary of the trust. During his work journey he had occasion to visit Lord's in 1991. He also spent some time in the administration of amateur football at Elsternwick Park as another part of his work journey.

Each person in the chamber would have their own memorable moments relating to the MCG. Among Peter's highlights are Rodney Hogg bowling Geoff Boycott just before lunch in the second test in 1978–79 and the roar that emanated from the crowd at a time when World Series Cricket had taken Australia's elite bowlers away from test cricket. Rodney Hogg stepped up to the plate and more. It was a great moment in the history of Australian cricket.

A few years earlier in 1970 there was one of the great grand finals between Collingwood and Carlton and a remarkable comeback which saw Carlton as eventual victors. Most Collingwood supporters at the ground that day would have memories etched in their DNA of a day when a seemingly certain victory was turned into defeat by the playing performance of Ted Hopkins — and the coaching performance of Ron Barassi — moving the ball out of the back line through an aggressive handball.

A decade later, in the 1980 grand final, I remember the mercurial performance of Kevin Bartlett, who had Stan Magro chasing him for most of the day. Stan Magro would probably still dream about chasing Bartlett on the MCG that day, as Richmond powered away to a mighty victory. David Cloke was a dominant performer for Richmond that day, and it was not surprising that Collingwood recruited him or that three of Cloke's sons went on to play for Collingwood. If I recall correctly, in 1980 Cloke, playing at centre half-forward, kicked five goals and helped to power his team to a memorable premiership for Richmond.

Other great moments include Ted Whitten's emotional farewell, only days before he died of prostate cancer. In the realm of women's sport there was the mighty run of Kerryn McCann and her entering the MCG for the final lap of the women's marathon in the 2006 Commonwealth Games. There was also the AFL centenary ball, a black tie event, in 1997 which I had the privilege of attending.

There was also the Australia versus England centenary test, which was 10 days of magic; and in perhaps one of the great moments in the history of Australian sport, there was the 1989 grand final when Geelong fell short of mastering Hawthorn's lead. But alongside that game you had the Gary Ablett show when Ablett kicked nine extraordinary goals on the day.

Then there was the brave century made by Kim Hughes on a terrible Melbourne Cricket Ground wicket against the might of the West Indies onslaught; Peter French well remembers the famous West Indian fast bowlers Roberts, Holding, Marshall and Garner. Peter, who is now in his middle 50s, regards that innings by Hughes as the best innings he has seen anywhere.

Then there are the MCG characters, kindly documented by Peter, who have made a contribution to the ground and sports administration. They include Joe Kinnear, Dudley Phillips, Maurie Gibb, Johnno, Wayne Farr, Heather Murphy, Mark Anderson and Stephen Batty. The 'paddock that grew' is really the product of vision and leadership as the ground has gone through various transformations.

We also remember the development of the capital infrastructure. In the 1964 grand final it was the Grey Smith Stand that came alive with Neil Crompton's goal; he was playing in the back pocket on the day. He made his way down the ground and rolled the ball through, giving Melbourne a narrow victory in that grand final and inflicting another defeat on Collingwood. The Grey Smith Stand was replaced by the Ponsford Stand. There was also development of the Olympic Stand for the 1956 Olympics Games, and that has been replaced in recent times. The Great Southern Stand was built and fulfilled a major role in building the capacity of the MCG as a sports arena.

There have been the ancillary works around the ground — the bridge towards Birrarung Marr is a great conduit to the western end of the ground, and the more recent works under Brunton Avenue provide a better walkway above Brunton Avenue and provide access to the tennis centre precinct. All of these projects have been financed and costed, and the work of the MCG trustees over a long period helped to develop the ground to its capabilities.

During the 1956 Olympic Games there were some great moments, marked especially by the lighting of the Olympic flame by Ron Clarke, who set multiple world records running for Australia in distances ranging from 3 miles to 10 miles. Having set some world records at Olympic Park in the mid-1960s over that distance, a great moment in the running life of Ron Clarke was the lighting of the Olympic flame.

There are also memories of the great runs by Vladimir Kutz, a European runner in the 1956 Olympics. He had a significant running style and held his place in the minds of many Australians who attended the Olympic Games. The games at that time were noted as the friendly games. The city of Melbourne acted as a very fine host to people of the world in holding the 1956 Olympics.

Those who were at the 2006 Commonwealth Games would have their own memories of the great performances. There was Australia excelling in the 4 x 400 metres relay — a great running triumph. Perhaps one day we will see the exploits of Steven Hooker immortalised for his performance on the MCG, or at least some further acknowledgement of his marvellous pole vault performances at the 2008 Beijing Olympic Games. Melbourne is the sports capital of the world, and this legislation, I trust, will serve to strengthen that reputation.

Mr SEITZ (Keilor) — I rise to support the Melbourne Cricket Ground Bill and to congratulate the minister, the Melbourne Cricket Club and the Melbourne Cricket Ground trustees for putting all of this together and agreeing to consolidate the various acts that have been passed by Parliament over the years into one act once we have finished debating it and the bill has been proclaimed by the Governor in Council.

Clause 1 outlines the purpose of the bill, which is to repeal the Melbourne Cricket Ground Act 1933, the Melbourne Cricket Ground Act 1951, the Melbourne Cricket Ground (Trustees) Act 1957, the Melbourne Cricket Ground Act 1983, the Melbourne Cricket Ground Act 1984, the Melbourne Cricket Ground (Guarantees) Act 1984 and the Melbourne Cricket Ground Trust Act 1989. This bill amalgamates provisions from those acts, which will make administration of the ground much simpler for the trustees, the Melbourne Cricket Club and the ministers yet to come.

The Melbourne Cricket Ground is an icon, and its greatest advantage is that it is situated centrally in Melbourne. The ground came into its own for the 1956 Olympic Games, when the precinct's sports facilities — the swim centre, the athletics centre and the bicycle track — were developed. Over the years they became old and stale and they have been refurbished. I would say that the Melbourne Cricket Ground is still a work in progress, because changes will be made to it. For me

1956 was a very important year — because that was when I arrived in Melbourne.

The Olympic Games at the MCG were important for me because that was when I was introduced to that fantastic sporting complex. It was overwhelming for someone young and new to this country to see that facility. It was very exciting; everything was happening in Melbourne at the MCG. To me that was the beginning and end of all sports facilities around Melbourne. Unfortunately I never got onto the hallowed grass to play cricket or football. Like the member for Lowan, I can only claim to have played football locally. For a short while I played for St Albans on Errington Reserve, the humble ground in that area.

Over the years a lot of my colleagues have gone through agony over various bits of legislation and had different debates on it. A number of my retired colleagues had an ambition to be appointed to the Melbourne Cricket Ground Trust because memberships gave trustees access to the games and certain other privileges. Even members of Parliament were able to contact the trustees, and the secretary of the trust would provide tickets for football finals and important cricket games that were usually sold out. I have not been notified of or availed myself of those privileges and I am not sure whether they still exist for members of Parliament. I assume that somewhere down the track, with the changes to various legislation, they have been removed from us. All the same, as I said, retiring members still look forward to being appointed to the Melbourne Cricket Ground Trust.

Previous ministers from political parties on both sides of the house who have long since retired and gone knew that the MCG's success was partly due to its position in the middle of Melbourne and its transport access. Neighbours of the ground and people in the area complained about car parking and said that it ruined the parks and so forth. On different occasions the Melbourne City Council tried to assert its authority over the trustees and the use of the facilities. Over the years the football fraternity has not always seen eye to eye with the cricket fraternity, so there were changes of venue and other issues came up. I believe this bill shows there is more maturity now and that it will guarantee that the processes will work.

Mention was made of events at the MCG such as Billy Graham's crusade, which was an overwhelming experience for us in Melbourne. The visit of Pope John Paul II was also a great experience for the broader community. The ground has a long history and, apart from the people of Melbourne, many eminent people have used it as it brings tourists.

For the government of the time there were bitter arguments and divisions over a special bill which provided for the floodlighting towers to be built. The trade unions were against it, and a number of Melbourne residents groups were totally opposed to the towers. It took a courageous decision by the Cain government to introduce the legislation and overrule everybody to put those floodlight towers up. It was an important step that had to be taken. It made the ground what it is today, and the faith of various governments in putting public money into that facility continued. That bitter issue led to the deregistration of the Builders Labourers Federation because of its dispute with the government over going ahead with building those light towers. There was support from both sides of the house for the government to go ahead. It is commendable that a facility like this had the support of all political parties for it to be developed and improved as an iconic Melbourne sports facility.

Thanks to the Cain Labor government also, we have in that vicinity the Rod Laver Arena, which further adds to the sports facilities in the area and publicises Melbourne not just to the tennis community but worldwide. Tennis is played in Europe, and now Europeans know Melbourne because they see panoramic shots of the whole Melbourne Cricket Ground facility near the Rod Laver Arena. I have had many overseas tourists, friends and family visitors come here. One of the things on their agenda has always been to see the Melbourne Cricket Ground and where the Australian Open is played, because it is publicised worldwide. Its publicity is almost equal to that of the famous coathanger, the Sydney Harbour Bridge.

We need to continue with this. I hope this legislation and the amendments will encourage the MCG trustees and the Australian Cricket Board to embrace activities other than football, soccer and cricket so that we have other events, including world events, which are very important, there more often. There is a big library there, with books on the history of the ground and the cricket and football games. Now there is also better understanding and cooperation between the two sports.

I hope that we always retain the football finals at the Melbourne Cricket Ground. Melbourne is the birthplace of football, and we should do whatever we can to retain the finals at the MCG. It is very important to all of us, particularly to the Parliamentary Lions Club, which holds a sausage sizzle for charity on the Parliament House steps on grand final eve. I have a vested interest as president of the club that we keep the football finals at the MCG. This is an important function that we as

members and staff of the Parliament perform in doing our part for our community.

When we have interstate visitors we can use the opportunity to demonstrate that this Parliament and its politicians work together with the staff, hand in hand. When the speeches at the finals rally march at Treasury Place are over, people visit Parliament House and on many occasions when we have been involved in the finals. I have witnessed interstate tourists coming to Victoria — —

The ACTING SPEAKER (**Mr Languiller**) — Order! The member's time has expired.

Mr BURGESS (Hastings) — It is a great pleasure to rise to speak on the Melbourne Cricket Ground Amendment Bill 2008. The purpose of the bill is to re-enact and provide for the law relating to the Melbourne Cricket Ground by repealing the Melbourne Cricket Ground Act 1933, the Melbourne Cricket Ground Act 1951, the Melbourne Cricket Ground (Trustees) Act 1957, the Melbourne Cricket Ground Act 1983, the Melbourne Cricket Ground Act 1984, the Melbourne Cricket Ground (Guarantees) Act 1984 and the Melbourne Cricket Ground Trust Act 1989 and to make consequential amendments to various other acts.

The main provisions of the bill repeal seven existing acts and consolidate the existing provisions of the MCG (Melbourne Cricket Ground) legislation that are required into the future, with limited changes. The bill contains provisions very similar to the legislation as it currently exists. However, there are three key areas of change to existing provisions. The first area is the provision of an additional function for the trust: to provide the minister, on request, with advice about matters relating to the construction and management of major sports facilities such as stadiums and the management of major events.

The second area is to prevent the unauthorised commercial exploitation of the MCG's name. The bill will also update a provision to authorise the trust to replace, remove, refurbish or upgrade the floodlight towers.

Thirdly, the bill updates the protection from legal action in relation to the floodlights provided by section 4 of the Melbourne Cricket Ground Act 1984. It also makes other minor changes to the legislation, including the circumstances in which trustees can be removed, and an adjustment of the provisions in relation to the trust's annual report.

I would like to refer to contributions made to this debate by the members for Lowan and Brighton. I agree with them in one respect: the team they referred to — Essendon — also provided me with the greatest highlight of my MCG experiences. It was in the 1990 grand final when Essendon managed to kick just five goals in a thrashing by Collingwood. That was one of many wonderful experiences I have had at the MCG, and it will live forever in my mind.

I want to refer to two articles. The first is a publication called *Melbourne Cricket Ground — National Heritage List*. As most people know, the purpose of the National Heritage List is to recognise and protect our most valued natural, indigenous and historic heritage sites, and is a snapshot of the nation's most important places. In referring to the MCG the article states:

> The MCG is closely associated with the development and history of cricket and Australian football — Australia's two most popular spectator sports. Renowned for its electric atmosphere, it has witnessed the achievements of many of our most celebrated sportspeople. This world-class stadium received Australia's highest heritage honour when it was included in the National Heritage List on 26 December 2005.

Under the heading 'An important place of social value' it states:

> For 150 years, the MCG has hosted major national and international sporting events.
>
> Famous for the development and continuing tradition of cricket, the MCG is also recognised as the birthplace of Australian football.
>
> The MCG has assumed an identity far beyond a sporting venue — it is now an important part of Australia's social fabric. Its value for the community lies in both the events that attract millions of people each year, as well as the experience of the place itself.

It is the home of landmark events. The article further states:

> The Melbourne Cricket Club arranged the first intercolonial cricket match at the MCG in 1856. Two years later, members of the club helped develop the codified rules for Australian football.
>
> In 1877, the first cricket test match between Australia and England was held at the MCG.
>
> It was the main stage for the 1956 Olympic Games. These 'friendly games' left an enduring legacy for Australia and the Olympic movement.

The MCG has also been the place of achievement for significant people, most notably Sir Donald Bradman, who set a remarkable record at the MCG, scoring nine centuries in 17 test innings. The article continues:

> It is the home ground of Australian football legend and Melbourne Football Club premiership captain, Ron Barassi.

> At the Melbourne Olympics, thousands of spectators cheered legendary sprinter Betty Cuthbert as she won three gold medals.

More recently the MCG has seen the wonderful performances at the 2006 Commonwealth Games and more recently still the opening of the National Sports Museum in March 2008.

An editorial published in the *Herald Sun* on 18 February 2006 is headed 'Our G-whiz landmark'. I will use a quote from the article to close my contribution today. It is most appropriate because it is a wonderful description of just how important this magnificent ground is to Victorians and more widely to Australians. It states:

> In Melbourne, we often bemoan our lack of a harbour bridge or an opera house. Giant phone-shaped buildings have been suggested, 100-storey towers, even a giant kangaroo statue spanning the Yarra.
>
> But we forget that Australia's greatest landmark is already here and has been longer than any of us can remember.
>
> The MCG holds a special place in the hearts of Victorians.
>
> It connects with us on so many levels — in a way no tower, statue or bridge ever could.
>
> The greatest events Melbourne has seen have centred on the MCG.
>
> It is not overstating the case to say the MCG is the heart and soul of our city.

Mr CARLI (Brunswick) — It is with great pleasure that I rise to support the Melbourne Cricket Ground Bill. It is an important bill, but more importantly it is an important venue. I do not think any stadium in the world has the significance that this stadium has for Victorians and for Australians but especially for Melburnians.

You cannot state you are a Melburnian without recognising the role of the MCG and the milestones it represents. The events that have occurred there over time represent milestones for the city. That should not surprise us because the MCG is around 150 years old. It was originally a set of paddocks which held cricket matches, and then saw the foundation of Aussie Rules football. In that sense it is about as old as the city. It is not quite as old as the city but it has grown up with Melbourne. Every Melburnian carries their lifestyle in the milestones of the city.

Clearly the milestones are sporting, but there have also been social and even political events at the MCG. I was discussing with the member for Sandringham the issue of the conscription rallies at the MCG, when Archbishop Mannix spoke in the conscription debate during the First World War. It was an amazingly significant debate for Australia and incredibly significant for the Australian Labor Party because it led to the first split of the party. It has a significance that other stadiums around the world do not have. It is a great stadium — possibly the world's greatest stadium. The MCG has a significance and a narrative beyond that. It is about Melbourne. It is as synonymous with Melbourne as the Eiffel Tower is with Paris or the harbour bridge is with Sydney. It epitomises the city. We all carry memories of what it means to us.

The other thing which is significant about it is the range of events that have occurred there. They range from political and social to sporting events. It is the foundation place of our great game of Aussie Rules, but it is also important to cricket. We have heard about a number of great moments in cricket history, and so many of them have happened at the MCG. No-one who follows the great game of cricket anywhere in the world does not know about the MCG and its status as a great ground for the game.

The MCG has also hosted the Olympic Games and the Commonwealth Games. We have had Rugby and soccer there, and there have been significant moments for all sporting fans. We have had concerts, and soon there will be a concert for the bushfire appeal. What a fitting place to have such a significant event commemorating a tragic moment in the history of the state. That will be another milestone for Melburnians. People will remember the event as part of the tragedy we will all share into the future.

At the end of the day the bill is in part a recognition of the importance of the MCG to this Parliament. It is about putting seven pieces of legislation into one, but the fact we have seven pieces of legislation to deal with the MCG demonstrates how important it has been for government after government to ensure that it is the premier stadium not only in Australia but in the world. I doubt there is any place in the world that has anything comparable in terms of a sporting facility which is so close to the centre of a city and which is so significant.

It is fantastic that the legislation is to be put together. The bill includes some new provisions as well as the ones that are being replaced. Primarily they give some extra responsibility to the trustees in terms of major events.

Many members have spoken about the MCG light towers, and the government of the time had a hard-fought battle to have them erected. Parliament had to pass legislation to ensure that the towers were built. This bill ensures they continue to be maintained,

improved and replaced when time dictates, so we do not end up with more conflict. The bill is also concerned about protecting the commercial trading business rights relating to the MCG.

It is important that we protect this icon, protect the sports which are associated with it and protect the commercial viability of the MCG itself as well as the sports that use this wonderful facility. It is important legislation. I must say I have been particularly impressed by the contributions to the debate by a number of members who have played on the MCG. I think their experience of the hallowed turf is different to that of members who have just participated in events at the MCG. But I must say, having participated in a lot of events there over a long time, that it is an extremely wonderful venue.

The first time I was at an event there was when I was taken to see the Queen. I went with my school. It is not an experience I particularly want to repeat in terms of the MCG — —

Ms Pike interjected.

Mr CARLI — It was the early 1960s, and I was a child — at least, that has always been my excuse as to why I attended that event. But since then I have gone to any number of wonderful events at the MCG. I cannot imagine a place that is more significant for me as a Melburnian. Having listened to many speeches today, the bill is of significant importance to members who share the belief that the MCG is an icon, a centre of social value and a shrine for Melburnians. It is of utmost significance. It is fantastic that we can support this legislation and ensure that the MCG remains as important hallowed turf forever.

Debate adjourned on motion of Ms KAIROUZ (Kororoit).

Debate adjourned until later this day.

WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL

Second reading

Debate resumed from 11 March; motion of Mr HULLS (then Minister for Industrial Relations).

Mr THOMPSON (Sandringham) — The Workplace Rights Advocate (Repeal) Bill 2008 has a couple of main provisions. Firstly, it repeals the Workplace Rights Advocate Act 2005 on the day after the bill receives royal assent with the consequence that the position of workplace rights advocate is abolished. It also abolishes the requirement for the workplace rights advocate to apply the fairness test to public sector agreements. The reference to past assessments is preserved by clause 5.

From the perspective of the opposition, there are some concerns regarding the Workplace Rights Advocate Act which set up a legislative regime which cost Victorian taxpayers over $6 million. When I was first elected to this place, unemployment in the Victorian constituency was running at over 11 per cent. The impost upon industry was significant under the tax regime of the Cain and Kirner years in government and when Paul Keating was the Treasurer at the helm of the Australian nation.

Mr Keating at one point said that with him at the helm there would not be a recession, that with him at the helm there would be a soft economic landing and that with him as Treasurer the budget would be the one that brought home the bacon. At another point in time when delivering his budget speech, he said he would not let there be a recession; but a recession there was. The impact of a recession on the Australian economy was such that factories closed down, many migrant workers lost their jobs and a number of migrant families sent their children overseas in search of work.

Australia now confronts a recession context again. In the past prudent economic management would enable industries to prosper, employment to grow and taxation levels to be minimised so that Australian industry had the best possible opportunity to compete in the international market arena; over the past decade the Victorian government has relied upon the taxation revenue take across each field, whether it be stamp duty, land tax or the automatic indexing of government fees, charges and fines.

Whatever the source of taxation, there has been a reticence or reluctance on the part of the government to curb the tax burden on the wealth creation sector. There is also the example of the workplace rights advocate, where $6 million of taxpayers funds have been spent on what is largely seen by many as being a political exercise.

Every member in this chamber would support ethical private enterprise. It has been a long tradition of the Liberal Party that if you give a person a job and the opportunity to own his or her own home, you have the basis of a reasonable society in terms of general provision. The failure of the Bracks and Brumby governments to focus on employment growth, their failure to focus fully upon economic opportunity and

their squandering of the resources of the state on political exercises such as the workplace rights advocate will impede the ability of Victorians to make ends meet in the tougher days ahead. Little money has been set aside.

The opposition has a serious concern that the workplace rights advocate was a giant taxpayer-funded political campaign against the Howard government which cost Victorian taxpayers over $6 million. Any breaches of the law drawn to the attention of the workplace rights advocate were simply referred to commonwealth authorities. It is understood that the workplace rights advocate interfered in several enterprise bargaining agreement negotiations between employers and employees, causing delay, uncertainty and additional costs. There is an example in Victoria out towards Melton where a Japanese food processing company, Saizeriya, was set to have a five-stage operation offering employment in an area of serious employment need where there had been high levels of unemployment. Owing to the industrial disputation that took place in relation to that production process, the plans to develop industry in that important area of Melbourne did not proceed and the company set up the operation in New Zealand.

This is a matter of major concern. We live in the real world where industry costs are important, and it is important that Victorian industry remain competitive, yet the Bracks-Brumby government has entered into a political exercise and expended money on behalf of Victorian taxpayers which did not deliver results on the ground. This remains an enduring concern. The rhetoric of the government had been high, a bit like that of Paul Keating when he was the nation's Treasurer and said he would not let the government experience a recession and then made the final statement that the recession was the recession Australia had to have. As a member of Parliament I have seen the pain caused to the working families of Australia by the impact of the recession — the loss of opportunity, the inability of families to make ends meet, the inability of enterprises to meet their commercial objectives and enterprises being wound up. I have seen the pain on the ground, and a prudent government would not have wasted money on a political exercise which duplicated regimes already existing in the Australian workplace.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Workplace Rights Advocate (Repeal) Bill and to briefly explain why this bill has come before the house. As members would be aware, the workplace rights advocate legislation was introduced in 2005 in response to the federal government's WorkChoices legislation, which threatened to erode the conditions of many workers under the system then implemented of Australian workplace agreements. There was an attempt to cut out union advice and leave workers on their own in trying to negotiate their wages with employers.

Clearly, as we saw demonstrated in the months that followed and in the federal government's defeat at the last election, people had valid concerns and did not want a system like that. Workers felt vulnerable. That was why this government set up the Office of the Workplace Rights Advocate to provide support to employers and advise employers of the requirements applying to them and the way they should operate and to support employees who felt they were being mistreated by their employers.

Numerous cases came before us as MPs and numerous cases were brought before the workplace rights advocate. In fact, over the time the Office of the Workplace Rights Advocate operated from 1 March 2006, it took around 10 000 inquiries from Victorian employees and employers and formally investigated 123 complaints from workers and employers — —

The ACTING SPEAKER (**Mr Languiller**) — Order! Now is an appropriate time to interrupt the debate for lunch. The member will have the call when we resume.

Sitting suspended 1.00 p.m. until 2.00 p.m.

Debate interrupted pursuant to standing orders.

SHADOW MINISTRY

Mr BAILLIEU (Leader of the Opposition) — I announce a change to shadow ministry portfolio responsibilities. I advise that the Leader of The Nationals will have responsibility on our side of the house for bushfire response.

QUESTIONS WITHOUT NOTICE

Employment: government action

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to today's unemployment data, which shows that Victoria's unemployment rate has risen from 4.8 per cent to 5.6 per cent in February. I ask: given that Victoria had the highest number of job losses of any of the states, with over 7000 Victorians losing their jobs, what assurances can the Premier give the house that Victoria will not continue to lead Australia in total job losses?

Mr BRUMBY (Premier) — As I have indicated to the house on many occasions, Victoria and Australia now face what are probably the toughest set of economic conditions that we have seen at any time since the Great Depression. I think that is self-evident for anybody who follows the national press or sees what is occurring overseas. As I have said before, the vast bulk of the trading partners that we in Victoria and across Australia have internationally are now in deep recession, and these things inevitably flow across our state and our nation.

From my point of view, we remain as the government totally focused on the issue of jobs. I said that this year would be a tough year in terms of jobs, investment and economic circumstances. The unemployment rate in our state today is 5.6 per cent, whereas in New South Wales I think it is 5.8 per cent and in South Australia it is 5.8 per cent. We enjoy the highest participation rate. In other words, we have the highest share of people in the labour force of any state in Australia.

What we are doing as the government in terms of the taxation arrangements is, as I have indicated before, that for medium-sized businesses across Australia we have in place the most competitive rates of land tax, payroll tax and WorkCover premiums. We have a strong focus, obviously, on skills and we have a very strong focus on our infrastructure program. All these things have served our state well and will continue to serve us well over the months and years ahead.

As I indicated in the house yesterday, the December quarter economic data for our state was the best in Australia. The building approvals data was the best in Australia. The new dwellings approval data was the best in Australia. Our export performance was up by 7 per cent. All these things are positive in terms of the fundamental economic circumstances of our state.

We will remain focused on jobs. We will remain focused on generating new jobs as we go through the year. I make it very clear that as a government we will do everything in our power to maximise job opportunities in Victoria.

Bushfires: appeal fund

Ms GREEN (Yan Yean) — My question is to the Premier. Could the Premier update the house on the latest measures announced through the Victorian Bushfire Appeal Fund to help communities rebuild following this summer's devastating bushfires?

Mr BRUMBY (Premier) — I thank the honourable member for her question. Earlier this morning, with the honourable member and the member for Seymour, along with the head of the bushfire relief fund advisory board, John Landy, the head of the Victorian Bushfire Reconstruction and Recovery Authority, Christine Nixon, and the federal Parliamentary Secretary for Victorian Bushfire Reconstruction, Bill Shorten, we announced the next stage of funding from the Victorian Bushfire Appeal Fund.

It is worth pointing out at the outset the quite extraordinary generosity we have seen from Victorians and Australians in terms of helping our state and helping our families and communities recover from these fires. We have now seen more than half a million Australians donate to the fund. We have seen more than $236 million donated to the fund. It has been an extraordinary outpouring of support to help those who have been affected by the bushfires.

As honourable members know, just two weeks ago we announced that the federal and state governments would be meeting all of the costs of demolition and clean-up in bushfire-affected areas. That has been a very positive initiative by the government. Sites across the state have already been cleared up at no cost to householders. The value of that program is $20 million to $40 million in terms of the direct benefit for householders.

Today we were able to announce a further stage in the rebuilding process. Grants of up to $50 000 will be made available to householders who have lost their principal place of residence (PPR). Notionally this is $35 000 to assist with rebuilding and $15 000 for contents. In addition there will be a payment of $15 000 for contents for those who had been renting. For those who had part of their house damaged and who need to repair that, there will be a payment of $15 000. In aggregate the value of the announcements made today is $130 million. This will provide substantial assistance to those who are rebuilding.

As I have said before, the bushfire fund has looked at a continuum of assistance ranging from emergency assistance through to short-term assistance and medium and longer term assistance. This is clearly focused in the medium-term area, and this is substantial assistance indeed.

The universal payment announced today is for any person who has lost their PPR, whether they are insured or uninsured. In addition to that, there will be a further stage 2 payment which will be on a needs-based arrangement. It will take into account things like household size and any special household needs. It will also take into account particular financial

circumstances, whether somebody has lost their job or whether somebody is uninsured or partially insured. There will be some objective criteria for that, and the fund will make further payments on that needs basis as required and in response to applications.

One final point I would make about today's announcement is that it has been important for the fund to make this decision and this announcement to provide some certainty and security to those who lost property in the bushfires. As John Landy said today, it will be some days before all of the administrative arrangements are fully in place to allow us to write the cheques or to credit accounts, but that will happen very quickly.

We can all be very proud of the extraordinary contribution that has been made from across Australia to this fund. We can be equally pleased with the huge effort the bushfire appeals advisory board has put in. Its members are on their visits program again today — they are in Beechworth. Today's announcement brings total approvals out of the fund to something like $180 million. In the history of these things and these events and public fundraising I cannot think of another circumstance where so much money has been approved so quickly and efficiently and compassionately to be provided to those who need our assistance. If you look now at the assistance provided by the state government, the federal government, local government and through the fund, you see it is a very substantial level of assistance, fully supported and fully warranted. It will help all those families get further on with the job of rebuilding their lives after this terrible tragedy.

Eastern Health: staff member

Mrs SHARDEY (Caulfield) — My question is to the Premier. I refer to Dr Peter Lazzari, the head of an acute medical unit at the Angliss Hospital, a deputy chair of the Royal Australasian College of Physicians and a medical practitioner in Victorian hospitals for 40 years, who has written to the Legislative Council inquiry into public hospital performance data to advise that as a consequence of his submission to that inquiry Eastern Health has sacked him. I ask: will the Premier now ensure that the decision to sack Dr Lazzari is reversed, or is this to be the fate of any public sector worker who criticises the Brumby government?

Mr BRUMBY (Premier) — What I can advise is that since coming to government we have taken action to reverse the Liberal Party's appalling health care legacy. In fact we have employed an additional 8811 nurses and two thousand — —

Mr Ryan — On a point of order, Speaker, the Premier is clearly already debating the question, and I would ask you to have him answer the question he has been asked.

Mr Batchelor — On the point of order, Speaker — —

The SPEAKER — Order! I have heard sufficient on the point of order. I do not uphold the point of order the Leader of The Nationals has raised. The Premier has just commenced his answer. I will continue to hear him. If in my view he is debating the question, I will bring him back.

Mr BRUMBY — As I said, we have employed an additional 8811 nurses and 2583 extra doctors. We have also boosted funding to hospitals by 112 per cent.

As far as the individual matter raised by the honourable member is concerned, the employment of individual staff in hospitals is a matter for the health service and not the government.

Rail: government initiatives

Mr HUDSON (Bentleigh) — My question is to the Minister for Public Transport. I refer to the minister's commitment to make Victoria the best place to live, work and raise a family, and I ask: could the minister update the house on what the government is doing right now to boost capacity and invest in the rail system?

Honourable members interjecting

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

Ms KOSKY (Minister for Public Transport) — I thank the member for Bentleigh for his question and his continued interest in public transport. As I think everyone in the house knows, patronage on our public transport system has grown enormously over the last few years. It is growing at record levels across the public transport system. We have had 40 per cent growth in train patronage in the past three years alone, and as was announced last week, patronage is still growing; it certainly grew over the last half of last year.

Last December the Premier released the Victorian transport plan — a $38 billion plan to invest in public transport and transport generally, to provide capacity for a growing city. Our side of the house is very committed to ensuring that we create that capacity for a growing city. I assure the house that we are not just waiting for the big projects to come on line — —

Honourable members interjecting.

The SPEAKER — Order! I particularly ask for cooperation from the members for Malvern, Polwarth and Scoresby.

Ms KOSKY — We are investing and proceeding with projects right now across our public transport system. Right now $1 billion worth of projects are under way — —

Honourable members interjecting.

The SPEAKER — Order! If the member for South-West Coast would like to ask a question, he can stand at the appropriate time and he will be given the call. Otherwise, I ask him to be silent.

Ms KOSKY — We are investing right now in $1 billion worth of infrastructure work that is under way across the rail network. This work will make a difference to the daily lives of the commuters who use our public transport system. That is why we are making this commitment and investment and getting on with the projects. They are building capacity, increasing reliability and allowing for the introduction of new services as the new trains come on line. The infrastructure works will complement the arrival of the new trains.

It is also important to mention in the house that the Victorian transport plan will result in a lot of jobs. In addition, hundreds of jobs across the state are currently being provided as a result of the investment we are making. It is great for public transport, and it is great for jobs around the state.

In January we opened the completed Clifton Hill rail duplication, building capacity and reliability for the 60 000 passengers who travel on the Hurstbridge and Epping lines each day. It will provide for them. We have also completed the first essential works in the extension of the Epping line to South Morang. Over the course of this year we will complete and deliver a reconfiguration of track at platforms 12 and 13 at Flinders Street railway station, which will remove a bottleneck and increase reliability in that area; we will complete new stabling works at Craigieburn by the end of this year; the first of 38 new X'Trapolis six-car trains will arrive at the end of this year; and there will be increased maintenance funding for the metropolitan rail network — at least a 40 per cent boost to the annual maintenance spend from the end of 2009 — and a huge boost to the program to re-sleeper the metropolitan rail network.

Mr Mulder interjected.

Ms KOSKY — I know the member for Polwarth is very familiar with this, as he helped the opposition leader become familiar with it as well.

Projects currently under way are the Craigieburn Station crossovers project, which will eliminate a blockage in that network; the Laverton short-starter project, which will add additional services on the Werribee line and increase reliability; the Westall short-starter project, which is to introduce new services on the Dandenong, Pakenham and Cranbourne lines; Eltham stabling and signalling, which will enable additional services on the Hurstbridge line; and the recruitment of additional drivers to meet the growing demand as we complete infrastructure works, put on more trains and provide more services so that more passengers can get the benefit of public transport across the state. They are just some of the projects in the $1 billion spend that is currently under way in the metropolitan area, which is building capacity in the short term and into the future.

Bushfires: royal commission

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Will the Premier guarantee that all public sector workers will be free to volunteer evidence and make submissions to the bushfire royal commission without fear of retribution?

Mr Hulls interjected.

The SPEAKER — Order! I suggest to the Deputy Premier that this is not his opportunity to ask questions.

Mr BRUMBY (Premier) — My understanding is that anybody is able to appear before the commission, and that is a good thing. As I have said, I want the commission to be as open as possible, and I want every Victorian who wants to have their say before the commission to be able to have their say. It is open to anybody to make any submission. As to whether anybody appears before the commission, my understanding is that the commission has to give leave to do that. Subject to that, anybody is free to appear and free to say whatever they wish.

Bushfires: emergency volunteer grants

Mr HERBERT (Eltham) — My question is to the Minister for Community Development. Could he advise the house what action the government is taking to support the important role that volunteers continue to play in bushfire-affected areas?

Mr BATCHELOR (Minister for Community Development) — I thank the member for Eltham for his

question — he is certainly a member of this chamber who knows the value of volunteers in his community.

This Parliament has recognised the community spirit and generosity of Victorians through the recent bushfire period. I think everybody acknowledges that this generosity and spirit has been extraordinary. I believe this will be one of the legacies of this tragic period of time: recognition of the fantastic role that volunteers and community organisations have played, whether that was the Country Fire Authority at the fire front or those behind the lines making the sandwiches or volunteers sorting clothes or even those who were just lending an ear to someone who needed to tell of their experiences.

In recognition of the crucial role of community organisations and volunteers in the bushfire recovery process, the Brumby government has a range of grants available to communities in fire-affected areas. One of these initiatives is the emergency volunteer grants. This is for projects up to $20 000. It is to provide practical help to volunteers and local community organisations, providing voluntary emergency relief for these fire-affected areas.

To ease the burden on individual volunteers and to help recruit additional volunteers across the fire-affected areas, grants for projects up to $5000 are going to be made available to not-for-profit community organisations. This is in addition to the larger grants that can be negotiated through the Department of Planning and Community Development local teams for sustainable projects that unite local government and community organisations in a coordinated response.

To assist this process we have simplified the applications and the assessment process for these programs, so we can get the money out to the communities and to the volunteer organisations, because they need it now. The first round of these grants has been assessed and approved; 19 projects will receive more than $400 000. These grants go to diverse and important projects in a wide range of communities right across these fire-affected areas.

I recently visited the McIvor neighbourhood house at Heathcote in the aftermath of the fires. The coordinator there told me of the fantastic project the neighbourhood house was preparing to undertake to help re-fence farms that were burnt out during the bushfires, in particular in Redesdale and surrounding areas. The McIvor neighbourhood house will be receiving $5000 to go towards training volunteers in fencing and coordinating the re-fencing of this area.

The Horsham Golf Club, for example, will be receiving some $4155 to revegetate the golf course, to replace equipment destroyed by the bushfires and to train volunteers. I hear that the local member wants to go down and volunteer in that regeneration work, and we are providing that money because of the important role the Horsham Golf Club plays in its community.

We also want to ensure that the Callignee and Traralgon South Cricket Club can continue to play. It is receiving a grant to replace sporting equipment lost in the fires. This will help with replacing the synthetic pitch, a water tank and scoreboards as well as seeding the oval.

We are doing this because the Brumby government is committed not just to rebuilding the towns that have been affected by the bushfires but to rebuilding the communities from the ground up as well.

Bushfires: appeal fund

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Does the government accept the principle that none of the money so generously donated to the bushfire appeal fund should be directly allocated from the fund to offset government or local government fees, taxes or charges, or to meet the cost of building or rebuilding infrastructure for which government or local government otherwise has the responsibility?

Mr BRUMBY (Premier) — I think the judgements as to how the funds will be expended are matters for the bushfire appeals board, which, as I have said, is chaired by John Landy and has as members, amongst others, the former Deputy Leader of the National Party and former Deputy Premier, Pat McNamara; the vice-chancellor of Melbourne University, Glyn Davis; the chief executive officer of the Red Cross, Robert Tickner; the mayor of the Shire of Murrindindi, Cr Lyn Gunter; and Christine Nixon, who is the chair of the Victorian Bushfire Reconstruction and Recovery Authority.

At the end of the day the board will make those decisions after having taken into account all of the views from the community and from others who put views to it. I do not know whether the appeals board has considered those matters.

Honourable members interjecting.

The SPEAKER — Order! The question has been asked by the Leader of The Nationals. He does not need it to be repeated by the member for Warrandyte, the

member for Kew, the member for South-West Coast or indeed the Deputy Leader of the Liberal Party.

Mr BRUMBY — In relation to the question of community facilities, the fact of the matter is that the core facilities in communities will be replaced by government, as I have made very clear. If it is things like the three schools that were burnt, of course they will be replaced by government.

We have also announced in relation to community sporting facilities, in partnership with the federal government, that some millions of dollars will be put aside to assist with the rebuilding of those facilities. There are some other facilities, though, which might be of a community nature where the fund has been approached by local groups, and the fund itself may wish to consider whether it supports what I would describe as smaller community-based projects.

I think we will find as we go through this process that there will not be any shortage of available funding through state government, federal government or local government funding, or indeed through the generous donations of the Australian people or other private benefactors who have also made offers. For example, I made a commitment at Callignee that we would fund the cost of the replacement of the hall there. I understand that a few days later Russell Crowe was on the phone to the local community saying that he has raised money and he would like to pay for it. I do not think money is going to be the issue here. It will be who is best placed to work with the community to replace those facilities.

Finally, from the board's perspective, it is also taking the longer term view that it may wish to put some money aside for longer term community needs. I think that would be a positive thing for it to do, particularly in relation to, for example, whether it is directly for some of the community-based facilities or supporting some of the children of families who have suffered such devastating loss in the fire.

Roads: government initiatives

Ms KAIROUZ (Kororoit) — My question is to the Minister for Roads and Ports. I refer the minister to his recent announcement that the Deer Park bypass will open in the coming weeks, and I ask: how will this project and other significant road projects, together with the government's new cooperative working arrangements with the federal government, ensure that Victoria is the best place to live, work and raise a family?

Dr Napthine interjected.

The SPEAKER — Order! It is clear to me, as it is to the member for South-West Coast, that it is Thursday. On behalf of his colleagues, I ask for his cooperation, today of all days.

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Kororoit for her question and for her continuing support for investing in our road network right across Victoria. The Brumby government is taking action to make sure that Victoria builds the best transport system in the country. We understand the important role that roads play in terms of not only connecting communities but also maximising the efficiency of our economy. Therefore I was pleased recently to join the federal member for Gorton, the state members for Ballarat East and Melton and of course the member for Kororoit, when we were delighted to announce that the Deer Park bypass will open on 5 April, eight months ahead of schedule.

Mr Brumby — How much ahead of schedule?

Mr PALLAS — It is eight months ahead of schedule, Premier. This is a project that will effectively provide fantastic access to and from the western suburbs to the central business district of Melbourne. It will also provide substantial improvements for those communities along the Western Highway that greatly depend upon improved accessibility to Melbourne. It is a new 9.3-kilometre freeway standard link between the Western Ring Road at Sunshine West and the Western Freeway at Caroline Springs. This bypass will ensure that people will be able to avoid some six sets of traffic lights and some 20 intersections on the Western Highway. That is likely to ensure an improvement in travel times of something like 15 minutes in terms of accessibility.

Not only is this great news of course for the western suburbs of Melbourne but it will slash travel times to the city for people coming from Ballarat. Local residents will benefit from better and safer traffic systems as traffic diverts to the new bypass, something that no doubt pleases the member for Kororoit and, I am sure, the member for Derrimut. The project has been a demonstration of what can be achieved in terms of a cooperative relationship with the federal government.

I am also pleased that a new five-year national building program agreement with the commonwealth government will deliver Victoria an improved share of federal transport infrastructure funds. This program, which was formerly known as AusLink, includes a

$3 billion contribution from the commonwealth government. The important thing about that $3 billion contribution is that it is an outstanding outcome for Victoria. Members might remember that under the previous AusLink agreement Victoria got slightly more than $1.4 billion. What we have been able to do is double the increase.

Mr Delahunty interjected.

Mr PALLAS — I hear the member for Lowan asking, 'What percentage?'. It is an outstanding improvement on the 16.5 per cent that we previously got — 20.4 per cent of federal funding.

An honourable member — He said, 'Thank you'.

Mr PALLAS — I will pass on the member for Lowan's gratitude to the federal government. Previously the state of Victoria suffered from a $1.27 billion black hole, effectively, in terms of our share of funding. We are now moving towards an increased share, and it is a substantially improved share on what we would have achieved from the offering of the previous federal Liberal-National government, had it been re-elected, of 10.9 per cent of federal allocations. That would have caused a few problems.

This agreement will see the state and the commonwealth working together to progress a range of road projects across Victoria over the next five years. They are projects that will matter to all members in this Assembly, such as the Western Ring Road, the Western Highway at Anthonys Cutting between Ballarat and Stawell, the Kings Road-Calder Highway interchange, the Springvale Road level crossing and the Princes Highway West upgrade between Waurn Ponds and Winchelsea. We will also see the next stage of the Geelong Ring Road and Princes Highway East between Traralgon and Sale.

This investment and cooperation will help boost the safety and efficiency of our road network. Combined with the projects currently under way, such as the upgrades of the M1 corridor and the Calder Freeway and our $38 billion vision, the Victorian transport plan, these actions will help to ensure that Victorian motorists spend less time in traffic and more time at home with family and friends.

Victorian Funds Management Corporation: performance

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to today's results from the VFMC (Victorian Funds Management Corporation) which reveal that the fund has fallen in value by $9 billion, and I ask: does the Premier now regret dismissing the concerns raised by the opposition as early as October 2007 about the impact of the United States credit crunch on Victorian investments or does he still hold to his claim that the impact will be extremely limited?

Mr BRUMBY (Premier) — As I recall, and as honourable members would recall, the only contribution the honourable member made to debate in this place in relation to this matter was to cause a run on Members Equity. That is all he did. The only contribution the opposition has made in relation to the Victorian Funds Management Corporation — —

The SPEAKER — Order! The Premier should not go down that track. I ask the government to decrease the level of interjections.

Mr Hodgett interjected.

The SPEAKER — Order! The member for Kilsyth will not lecture me about who has been doing what all day! He has constantly interjected.

Mr BRUMBY — The rate of return to VFMC over the year to December 2008 has been negative 20.91 per cent. The median returns of comparable funds have been negative 25.4 per cent, and the value of the ASX 200 over the year to December 2008 has been negative 38.44 per cent. For US shares the Standard and Poor's 500 has been negative 38.49 per cent. If you were to rank those in order, as apparently the member for Scoresby is unable to do, you would see that the best performer has been VFMC.

Ambulance services: air ambulance

Mr CRUTCHFIELD (South Barwon) — My question is for the Minister for Health. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: could the minister outline to the house what action the Brumby Labor government is taking to ensure that all Victorians have access to high-quality air ambulance services?

Mr ANDREWS (Minister for Health) — I thank the honourable member for South Barwon for his question and his interest in these matters. The best pre-hospital emergency care and transport is critically important for every single Victorian, but air ambulance services are especially important for those living in rural and regional parts of our state, given that air ambulance services are so often the vital link between rural communities and the specialist services and care that in times of trauma they sometimes need in metropolitan

Melbourne. That is why we as a government have very proudly and strongly supported the boosting of air ambulance services right across Victoria.

Since 1999 we have invested $4.9 million to upgrade our fixed-wing fleet, we have provided almost $8 million to upgrade the Morwell and Essendon helicopters and we have invested a substantial $4.4 million to establish a new rotary asset, a helicopter, in Bendigo. But we know we can do more in supporting air ambulance services, and we must do more. That is why last year's $185.7 million boost to ambulance services — the biggest in the state's history — included important increases in support for air ambulance services as well, noting that services in the air and on the ground are critically important.

I am very pleased to report to the member for South Barwon and all honourable members that from next Monday country Victorians will have, for the first time, a dedicated retrieval helicopter for hospital-to-hospital transport of some of the sickest and most vulnerable patients across our health system. Neonatal, paediatric and adult retrieval services will all benefit from this increased investment and from this new asset. The chopper will be based at a new, purpose-built hangar at Essendon, the new home of Air Ambulance Victoria and the Victoria Police Air Wing, at a cost of $20.3 million. I had the great pleasure with my honourable friend the Minister for Police and Emergency Services to open that new facility a couple of weeks ago. It is a purpose-built home for flight paramedics and other support crew.

This is one of two new helicopters that are supported by the record boost to ambulance funding last year. The second chopper will, as honourable members know, be based in Warrnambool and will provide primary response — —

Honourable members interjecting.

Mr ANDREWS — These are serious matters, Speaker. The Warrnambool chopper, funded by this government, will provide primary response to the south-west coast. I took the time a week or so ago to visit the Warrnambool Airport to check on the progress of the new hangar, and I can report to all honourable members that this important project is progressing very well. The aircraft is currently being assembled in Brisbane and will be available to Ambulance Victoria midyear.

Whether it is in relation to substantial expansions of our pressurised, fixed-wing fleet or whether it is in relation to supporting Ambulance Victoria to go from two helicopters to five helicopters, this government is giving Ambulance Victoria and its dedicated flight paramedics the resources that are required to save lives and provide the world's best care. These investments are important for every single Victorian, but they are, especially so for those living in rural and regional communities.

WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL

Second reading

Debate resumed.

Mr HOWARD (Ballarat East) — As I was saying before the break, the Office of the Workplace Rights Advocate has performed some very useful tasks since 1 March 2006 when it was established, taking around 10 000 inquiries, investigating 123 complaints, conducting assessments for 58 proposed public sector agreements, conducting hundreds of information sessions and producing a significant amount of material for employers and workers. But most significantly, as well as dealing with those inquiries from employers it has dealt with a number of complaints, and I am pleased to see when I look at the case studies of the complaints that went to the workplace rights advocate that many of them were able to be dealt with fairly quickly, with the employer rectifying wrong payments or underpayments that may have been made. Clearly the fact that the workplace rights advocate was in place meant that people who felt they were being adversely affected by work agreements that they were being forced into accepting had a place to go to get information and support. We did not duplicate other services that were available, so the workplace rights advocate was able to refer those issues on to other appropriate bodies such as the Office of Workplace Services and WorkCover so that further investigations could be made.

The role of the workplace rights advocate was very important when WorkChoices was in place. WorkChoices has since been abolished. Under the new Rudd Labor government we have seen the death of WorkChoices and a much more comprehensive no-disadvantage test put in place. There are no more Australian workplace agreements, so the Office of the Workplace Rights Advocate is not needed.

I am pleased this government stepped in when support was required for workers and employers. I commend Mr Brian Corney, who was appointed as the acting workplace rights advocate in 2006, and was later

replaced by Mr Tony Lawrence, who became the ongoing advocate until the affairs of the workplace rights advocate were wound up. Clearly it was important that the government undertook to provide this service to support people in those dark days of WorkChoices.

Mr LIM (Clayton) — I welcome the opportunity to speak on the Workplace Rights Advocate (Repeal) Bill 2008, and in doing so to reflect on the return of decency and fairness to the conditions of working Australians. Workers in communities such as the one I represent were treated harshly under WorkChoices. The unskilled or semiskilled, particularly migrant workers from non-English-speaking backgrounds and young people in retail, were among the most vulnerable, and I have experience in dealing with many tragic cases in my electorate.

This is a simple bill as it repeals the Workplace Rights Advocate Act 2005. The introduction of the bill follows the Victorian government's announcement that the Office of the Workplace Rights Advocate would cease to operate from 31 December 2008. At one level the debate should be straightforward. The Liberal Party opposed the original legislation and therefore should have no difficulty voting for its repeal. I am amazed to see the antics going on on the other side of the chamber.

However, at another level it is clear from the current federal debate, and the ructions within the federal opposition, that many Liberals remain committed to WorkChoices. I find it absurd that the Liberal Party argues that to protect jobs it needs to perpetuate unfair dismissals. Try telling somebody who has been unfairly dismissed that they have no rights because the Liberal Party wants to protect jobs by denying them their job. It was WorkChoices which led this state Labor government to establish the workplace rights advocate, to give Victorians access to independent information about their rights.

On our side of the house we rejoice at the demise of WorkChoices. We welcome the abolition of Australian workplace agreements and the restoration of a comprehensive no-disadvantage test for agreements. That is why we can repeal the Victorian act.

As Prime Minister Kevin Rudd said on Tuesday, WorkChoices is in the Liberal Party's DNA. Victorian Liberals must use this debate to send their federal colleagues, and indeed Australian working families, the message that WorkChoices is dead. Australians have made it clear that they expect workers to be treated decently and with dignity. If the state and federal Liberals fail to recognise and respect this, it will be at their peril.

On a policy basis it makes sense to repeal the Workplace Rights Advocate Act. Industrial relations has been moving to the federal arena over the decades. Australia has a national economy and needs a unified industrial relations system, but it needs to be one that treats its workers fairly. I commend the bill to the house and call on those opposite not only to support it but to state their unequivocal rejection of WorkChoices.

Mr SCOTT (Preston) — I, too, rise to support the Workplace Rights Advocate (Repeal) Bill 2008. As previous speakers have mentioned, the bill repeals the Workplace Rights Advocate Act 2005 with consequential amendments to two acts: the Victorian Civil and Administrative Tribunal Act 1998 and the Public Sector Employment (Award Entitlements) Act 2006.

Previous speakers have said that the Office of the Workplace Rights Advocate was established to protect workers in response to the dreaded WorkChoices legislation, an albatross which stills hangs around the neck of the coalition parties. WorkChoices sought to shift workers onto Australian workplace agreements from awards and collective bargaining agreements, with the potential to lower working conditions. The function of the workplace rights advocate was to provide information to workers on their rights and responsibilities and to investigate complaints.

Industrial relations are always fascinating because they bring out a fundamental divide in Australian politics between those who see the role of the state as being involved in the fundamental rights of individuals and giving them a value beyond what their labour can buy in a market versus those who simply regard any interference in the market as a negative.

In the Australian context the scene for industrial relations was set early last century by the famous Harvester judgement, which established the concept of a minimum wage within Australia. In part the judgement was based on the intellectual influence of a papal encyclical *Rerum Novarum*, which, translated, means 'of new things'. The encyclical is subtitled 'On capital and labour'.

I will make my contribution brief but I think it is worth quoting from that encyclical. It states:

> … there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not to be insufficient to support a frugal and well-behaved wage earner. If through necessity or fear of a

> worse evil the workman accepts harder conditions because an employer or contractor will afford him no better, he is made the victim of force and injustice.

I commend the bill to the house.

Ms KAIROUZ (Kororoit) — It is with pleasure that I rise to contribute briefly to debate on the Workplace Rights Advocate (Repeal) Bill. Many members already know that something I care about workers rights, having been privileged to work as a union official representing some of the most vulnerable and hardworking employees.

It was during that time that I represented thousands of hardworking and vulnerable workers against former Prime Minister John Howard's draconian industrial laws known as WorkChoices. Titling Mr Howard's despicable laws as WorkChoices was misleading because employees did not have a choice. They either went with what the employer wanted or they were out of a job.

It was during this time that the Workplace Rights Advocate Act 2005 was most needed. WorkChoices had an estimated coverage of 85 per cent of the Australian workforce and a high coverage of the Victorian workforce. In particular it affected those in low-paid work.

WorkChoices impacted thousands and thousands of workers and families. It reduced decency in the workplace. It was negative, and it removed any form of democracy from the workplace. WorkChoices allowed AWAs, known as Australian workplace agreements, which removed penalty rates, annual leave, paid tea breaks and other entitlements. These are things we usually take for granted. When I worked in the trade union sector, lots of my members had to pay for their tea breaks if they were on an Australian workplace agreement, and that is something many of us have never had to do.

AWAs also weakened job security and certainty about wage rates and pay rises. They contributed to negative impacts on the relationship with the employer to the detriment of the business. They impacted on the hours of work and pay and entitlements were less predictable. Basically employees were reliant on the mood or goodwill of the employer or manager on the day.

Everyone knew how bad and damaging WorkChoices was. Workers all over Australia, even those in the white collar industries, knew it. Employers knew it; advocacy groups knew it; teachers knew it; churches and religious groups knew it. Everyone knew it except for those members opposite and their arrogant colleagues in Canberra. It just goes to show how inept and out of touch they all are.

What will it take for members opposite to understand how bad WorkChoices was? I say to them: ask John Howard. He knows how bad it was. It cost him government and it cost him his seat, but more importantly it cost him the respect of the community. He will be forever remembered for attacking ordinary people and their families. It is not too late for members opposite to redeem themselves.

The Workplace Rights Advocate Act 2005 was a blessing to many thousands of Victorian workers. The Office of the Workplace Rights Advocate (OWRA) provided employees with access to independent information about the consequences of signing AWAs, because unfortunately information was not made available to them by the federal authorities during the supremacy of John Howard.

Members opposite should take note that employers also relied on the free independent advice of the Office of the Workplace Rights Advocate, because no-one else would give them that advice unless a fee was attached to it. In fact since OWRA commenced on 1 March 2006, just over three years ago, it handled about 10 000 inquiries from Victorian employers and employees, it formally investigated 123 complaints and it conducted hundreds of information sessions.

All matters that were referred to OWRA have been concluded by either a formal finding or by referring parties to another agency. Sadly, many matters that were investigated were found to be illegal, unfair or inappropriate.

The other blessing was the election of the Rudd Labor government in November 2007. That changed the industrial landscape by abolishing AWAs and abandoning the Liberals' WorkChoices. As a result, an assessment was made that considered it timely that the Office of the Workplace Rights Advocate cease to function. Therefore it is appropriate to repeal the Workplace Rights Advocate Act. I commend this bill to the house.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Second reading

Debate resumed from 11 March; motion of Ms PALLAS (Minister for Roads and Ports).

Mr CARLI (Brunswick) — It is a great pleasure to rise in support of the Transport Legislation Miscellaneous Amendments Bill. It is something of an omnibus bill in that there are a number of changes to a number of pieces of legislation that deal with transport, port services and the Marine Act. The bill is transport related, but there are a number of small but significant proposed changes to other legislation. I particularly want to focus on the changes to the Road Management Act in terms of the priority and the designation of the priority of trams, buses, bicycles, pedestrians and freight traffic on roads.

One of the issues that is obviously of great importance in Victoria is how best to manage or ration road space. As the city has grown and continues to grow, obviously enormous pressures have been placed on our road system. In many parts of Melbourne there is not a capacity to extend roads. A lot of issues now depend on what we define as the priorities for those particular roads. That will make for a more integrated and efficient use of transport.

On some roads the priority may well be public transport. We have what we call the principal public transport network. This refers to the ability to designate priority on roads. We can create a hierarchy and define a hierarchy of road users on roads. If those roads are on the principal public transport network — they are roads that have buses and trams on them — we make explicit what gets priority; those vehicles are a priority on that road space.

As a result of that you can make a whole lot of decisions about how that road space should be best allocated. Some of the roads in my electorate on which trams run are Nicholson Street, Sydney Road and Lygon Street. By designating the priority of those roads to be trams, it means we can ensure that those roads have good tram priority and that we move the trams along in that system. That is very important.

The no. 96 route in my electorate is the busiest tram line in the city. It carries something like 6 million passengers a year. It is a significant tramline, and it is really important for us to recognise that in the hierarchy.

Equally important is defining the importance of bicycles and pedestrians. I recently looked through some of the work that has been done by Port Phillip City Council. It has strongly emphasised that importance, and it has ensured that pedestrians and bicycles get priority on its roads. There are consequences of that for the design and marking of those roads.

Clearly, what follows from the ability to define the priority of roads is how you then reorganise the roads and ensure you have the hierarchy you want. That will be different for different roads. There will be greater preference given to either motor vehicles, commuter vehicles or freight on some roads.

We should not forget the importance of the freight network in the city. After all, we are the centre for freight movements in south-eastern Australia. We have the most important container port in the country. We have more than our fair share of movements of freight vehicles. We obviously service the freight needs of south-east Victoria. We service the imports and exports of goods for a vast area, including Victoria, southern New South Wales and South Australia. We want to ensure that freight vehicles are given priority on those roads. With designated priorities you ensure that that is how roads will be managed on a day-to-day basis.

There is an important and fundamental element of creating, maintaining and defining what is a road hierarchy. It comes down to rationing road space. By ‘rationing’ we mean that not everyone can use all of that road space at the same time. Decisions have to be made about whether you allow, for example, for parked cars and where you do not, or whether you allow for on-road bicycle lanes and where you do not.

At the moment discussions are occurring about Sydney Road, for example, and whether we should have a peak-hour bike lane down Sydney Road, because it has been defined as part of the principal bicycle network that has been prepared by VicRoads. As a defined part of that network Sydney Road should therefore be eligible for a bicycle lane. That then would have a limiting effect on the amount of through traffic you could have, because you would have priority for trams and bicycles.

As I said, this bill is small but significant. One of the other important things it does is better recognise public transport. Currently under the Road Management Act public transport has no separate definition and is seen as part of utilities organisations such as the providers of gas, water and electricity. Providing public transport with separate recognition highlights its importance in

the network and ensures that it will be taken into consideration in the management of our arterial road system, so it works for better provision of public transport.

Another element is the bus stop infrastructure. Part of the purpose of this small but significant bill is to ensure that we facilitate a network-wide approach to bus stop infrastructure. That means the Secretary of the Department of Transport has explicit power to install bus stop infrastructure, remove or relocate bus stopping points and develop guidelines on bus stop locations. The provision will stop other parties from removing or relocating bus stops. Obviously over a period of time bus stops have been one of those areas for which local and state governments share responsibility. Stops are moved and have been moved over time without there having been consideration of the impact on the network or the system. This provision will stop that. When there is significant change to bus stop infrastructure, the relevant local government will have to inform and therefore deal with the state government through the Department of Transport.

That provision relates, as I said, to installation, removal and relocation of bus stop infrastructure, which is a very significant area. When one looks at the orbital bus system being rolled out at the moment in Melbourne, one sees a significant amount of effort going into the location of the bus stops and the infrastructure around them, such as working to ensure that they are disabled compatible and that they provide electronic signage, which gives timely information to passengers. Any amount of research indicates that that infrastructure is essential in terms of creating a sense of public transport as a system. We do not want that compromised by local decisions or by local government. This legislation will ensure that the Department of Transport and the secretary have to be informed and that the secretary is ultimately responsible for that infrastructure.

This legislation also has elements to do with marine safety. It will amend the Marine Act to expand the options available to the director of marine safety and the sanctions available to a court when marine safety laws are breached. This aligns the Marine Act with the various pieces of legislation that deal with rail and heavy vehicle sectors. The intention is to ensure that we do not compromise marine safety and that the director of marine safety has sanctions available in the areas of rail safety and heavy vehicle safety.

As I said, this is an omnibus bill with changes that are quite small but very significant in terms of our transport agenda in this state. I commend the bill to the house.

Mr DIXON (Nepean) — I wish to address my initial comments to part 5 of the bill. That is the section that gives the Southern and Eastern Integrated Transport Authority, known as SEITA, further responsibility for road projects. That poses the question: why give SEITA further responsibility for road projects? I would have thought, as I think would most people, that road projects were the responsibility of VicRoads. To a certain extent road projects are also a local government responsibility, but they are normally the responsibility of VicRoads. That led the opposition to think: why does SEITA need this extra power and extra reach, how would that be used and what would be the projects SEITA would be given further responsibility for?

As we know, SEITA oversees the EastLink tollway, and of course that is the greatest monument to this government's biggest broken election promise. The natural progression or extension of the EastLink tollway is the proposed Frankston bypass, which would really be a direct continuation of EastLink, south through North Frankston, Frankston, Langwarrin, Baxter, Mount Eliza and Mount Martha, joining the Mornington Peninsula Freeway there. That would be a missing link between two freeways, and it is certainly, I would have thought, a natural progression of where SEITA would be going.

Since SEITA is overseeing a current tollway, is the Frankston bypass going to be a tollway? We have received mixed messages on this. When the government has been questioned about whether the bypass would be tolled we have had 'Yes', 'No', 'No comment', 'Maybe no', 'Maybe yes', 'It depends on this', 'It depends on that' and 'It depends on the global financial crisis'. There are a lot of 'depends' and 'maybes' there, and there has been no definitive answer as to whether the Frankston bypass is going to be a tollway or not.

Initial works have started on the Frankston bypass. That is an area I use a lot as I go up and down between Melbourne and my electorate. A lot of the soil drilling and soil testing has been done; I have seen it in the Baxter area and apparently it is in other areas where the reserve currently is; so this work may be starting soon. When the minister sums up the debate today I hope he is able to rule in or rule out once and for all, through this debate opportunity and the questions asked by members of the opposition, whether the Frankston bypass is going to be tolled or not.

That bypass is going to be very important to the Mornington Peninsula. It will open up the peninsula even further to the people of Melbourne — not just

people from the eastern suburbs but because of EastLink and where it joins the Monash and Eastern freeways, it will open up the Mornington Peninsula area and make it far more accessible.

The bypass is needed even though the traffic volumes on EastLink are not what were expected. At peak times especially, traffic coming south onto the Mornington Peninsula, where EastLink joins the Mornington Peninsula Freeway, comes to a screaming halt on the freeway at the back of Frankston where, in a shocking piece of planning, at the same time a brand-new bulky goods store development has occurred at an intersection which has a rail crossing and other development all around it, with a university road and its own set of traffic lights feeding into it. It is absolute chaos.

I have sat at that intersection for half an hour after coming down from the Monash Freeway to EastLink and thinking I was going great guns and would be home very soon. However, every minute time I make up on EastLink is lost at the intersection. Everybody from Frankston or from further south who has travelled the area has told the government that would happen. One way or another we will be putting up with that chaos for at least another few years, having already put up with it for some time.

It was obvious there was no forward planning here, because the government did not know how it was going to afford that bypass, who was going to pay for it or how it would be paid for. Through this legislation perhaps we have an inkling that it is going to come under the umbrella of SEITA, because its umbrella is being widened, and responsibility for that does not seem to be directed towards VicRoads.

I have just one more thing to say on that issue. I think the government ought to know that the clear expectation of people on the Mornington Peninsula, all those who visit the peninsula and those who live in the Frankston area is that the Frankston bypass will not be tolled. I know that expectation was there with EastLink, and I have already mentioned that, but with this Frankston bypass the clear understanding is that it will not be tolled. As I said, this is a great opportunity for the minister to use his summing up on the bill to rule it in or rule it out.

I wish to talk briefly about clause 9, which requires all the commercial ports in Victoria to prepare a port development strategy. I am wondering whether part of that port development strategy would also include a media strategy. In getting the message out these days it is very important for any corporation to tell the public what it is doing, why it s doing it and what it intends to do in the future.

I would have thought a media strategy could certainly be part of a port development strategy, because I am sure if you think about the current development strategy for the port of Melbourne, you will realise that a fair bit of money must have been and still is being poured into its media strategy, because we have been inundated for the last six months with radio, television and print media advertisements extolling the economic and environmental virtues of the current channel-deepening project. For the life of me I do not know why.

I could have understood if it had been going on before the project was started and when the debate was taking place as to whether it was economically or environmentally viable. But we hear that the project is more than halfway finished, and the ads are just starting. I am slightly suspicious about why this is the case. What are we being softened up for? Why is the government trying to convince us, now that the project is almost finished, that it is environmentally and economically sustainable? Why is so much money being spent on these advertisements, when this project is well and truly more than halfway finished?

I would have thought that that money, as a gesture of goodwill, would have been far better spent on compensation for local businesses who have lost business as a direct result of the channel deepening — even though a lot of the channel deepening was not carried out during the summer months, which was very welcome. I think it finished in September, not as planned in December, but I think there will be three dredges working in the southern peninsula over the next few weeks, which is still a very important diving season and an important tourism season; the autumn weather is our best weather. The summer rush may be over, but a lot of people still come to the Mornington Peninsula in autumn. However, they will be coming to a whole pile of turbid water, because three dredges will be working on the southern peninsula.

Businesses will suffer from the downturn in the global financial situation. Tourism is suffering, and we certainly do not need this distraction over the next few months while we have some of our best weather. Money being spent on the media blitz by the Port of Melbourne Corporation is being wasted; it is a kick in the face to local businesses — —

Dr Napthine — It is a kick of sand in the face!

Mr DIXON — In fact, it is a kick of sand in the face, as the member said, to our local businesses, and

all of that money should be used to compensate local Mornington Peninsula businesses that have been adversely affected by the channel deepening.

Mr STENSHOLT (Burwood) — I thought throwing sand was something that was done by members of the Liberal Party. Jeff Kennett was good at throwing sand — at the wrong people, at the wrong time of course!

I rise to support the Transport Legislation Miscellaneous Amendments Bill 2008. There is a wide range of amendments being suggested in this bill, which will make important amendments to existing transport legislation. It is good to see this building on the Brumby and Bracks governments' emphasis on a practical integration of our transport network and of also looking to a sustainable network system for Victoria in the 21st century.

It forms part of a wider and ongoing program of major transport legislation reform, and helps with the basis of the $38 billion being put into our transport sector.

Major changes have been made through previous legislation. Other members have mentioned the changes being made in this legislation. From the perspective of the Burwood electorate I think the giving of priority to designated modes of transport on specified parts of the road network, particularly our trams, will be welcomed by the residents of my electorate. We very much welcome further steps being taken by the government to manage the road network so specified tram routes can become more attractive through priority being given to trams on those roads. This will mean better traffic flow on the roads and for the trams and hopefully will speed up the trams on those networks. I am also pleased that the legislation provides that public transport will have improved status in the roads legislation.

I will briefly touch on one issue which comes up all the time for me as a local member. It is in regard to bus stop infrastructure, and in my electorate I can also talk about tram stop infrastructure. It is very important. I remember once trying to get some repairs done to a local tram stop. I went to the council, to the department and to the operator and everyone was washing their hands of it. I welcome any changes here to facilitate a network approach to bus stop infrastructure. I am sure other members of Parliament have tried to get new bus stops or seats at bus stops or changes made to bus stops and would very much welcome this change.

I notice there are provisions in this bill prohibiting other parties from removing bus stop infrastructure. You cannot prevent every removal of bus stop infrastructure. I know that because in my electorate and nearby last year people started nicking the seats from the bus stops. It must have been because aluminium was bringing a high price at that stage. There was a bit of a gang out there and they started unscrewing the seats and taking them away. A few hours later there would be a call to my electorate office saying, 'Where are our seats? What is happening? Is the department taking them away?'. We were able to establish that someone had nicked them. More importantly, after ringing around and talking to a few people — the council, the bus operators and the department — we were able to get assistance and have a replacement program put in place. Giving the secretary more explicit powers will obviously be helpful in terms of going to them first.

I see in the legislation that the secretary will be responsible for publishing guidelines in regard to bus stops. Under proposed section 48M(3) which is to be inserted into the Road Management Act the secretary must consult with VicRoads, municipal councils, other relevant road authorities et cetera and any other person the secretary deems appropriate. I hope that in terms of bus stops, for example, the secretary will consult the ordinary people. The placement of bus stops at Chadstone has been an absolute disaster for people in my electorate. I hope the secretary takes into account public consultation for any major bus stop changes. I commend this bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Transport Legislation Miscellaneous Amendments Bill 2008. This bill is an omnibus bill to allow the Minister for Roads and Ports to override local councils and specify that roads are to be prioritised for particular purposes, such as use by freight carriers, buses, bicycles or trams. It will make marine safety changes. It will also make changes to the responsibility for bus stops and increase the number of road projects for which the Southern and Eastern Integrated Transport Authority, or SEITA as we know it, is responsible beyond EastLink. It gives the chief investigator, transport and marine safety investigations, the power to compel witnesses to attend and answer questions regarding a transport investigation, and makes a host of other changes.

I would like to deal with three specific areas of the bill. The first relates to the operation of SEITA. As we know, SEITA was charged with the responsibility of handling the construction of EastLink. Those of us who reside in the east certainly know that there is a need for the Frankston bypass to be constructed. It was indicated from the commencement of EastLink that there was a need for the road to continue beyond Frankston; many

of the residents in my electorate commute to the Mornington Peninsula. The government was warned that there was a need at that time to ensure that there was a continual link from EastLink through to the Mornington Peninsula. As we know, that did not occur. It behoves this government to put a solution in place.

With respect to SEITA, we all know that SEITA is the body that handled the construction of EastLink. It was this government that promised people in my community — and I remember receiving the letter from the then Premier, Steve Bracks — that the government would build a toll-free road for people in Melbourne's east. History will prove to us that this government told a lie to my community and we are now having to pay for that situation.

With respect to the operation of EastLink, a number of road projects in my community need to be upgraded. The response from VicRoads and the government in relation to many of those projects is that it has been awaiting the results of the operation of EastLink because that was meant to reduce congestion. However, the reality is that in many instances the congestion on those roads has not been reduced because a number of people are not using EastLink. They prefer to use their traditional routes, be it Stud Road, Dorset Road or Springvale Road, as a north-south corridor.

With respect to the provisions relating to freight roads and local roads being identified as freight roads, this issue concerns many people in this state. I am greatly concerned about the fact that the Minister for Roads and Ports simply has to consult the Minister for Local Government with respect to identifying a particular local road as a freight road. That will then allow truck movements through local streets. This will be done without any consultation with the local community or its local representatives, being the local council. I support the amendment foreshadowed by the member for Polwarth with respect to this matter. With the greatest respect, the ministers for roads and ports and local government will not understand the impact of these matters at a local level. They will not understand the views of the local community. These matters have the potential to be simply ticked off without any sort of consultation or any form of involvement from the local community. We have seen this with regard to planning. Many decisions to reject applications at a local level because of the concerns of local residents have been overturned at a higher level. This demonstrates a concern. We would be heartened if members opposite would support this important amendment.

I would like to look at the provisions of this bill that relate to bus stop infrastructure. It is imperative that we have good bus stop infrastructure that provides for the needs of residents in our communities. There have been calls to upgrade a number of bus stops in my community. One that comes to mind is the bus stop on the corner of Stud and Wellington roads. I was approached by a local resident, a student, Kevin Lam, who was concerned that the stop was not recognised as a bus stop for the 900 SmartBus service that runs from Rowville to Caulfield. As a consequence, he was required to walk between 1 and 2 kilometres to catch a bus on the SmartBus network.

After campaigning with Kevin and the member for Scoresby, I am pleased to see that the minister has been forced to listen and agree to upgrade that bus stop. Now residents in the Rowville community have that bus stop, which enables many residents to access the SmartBus service they were not able to access before.

However, many other bus stops still require upgrading. I remember one of the first matters I raised in this house as a member of Parliament was the need for bus stop infrastructure on the corner of Burwood Highway and Manna Gum Road. At the time the minister joked, saying he did not believe it was an important matter, but I can tell him that it was an important matter. Residents in my electorate, many of whom are elderly and some of whom are disabled, want that service to be upgraded. Unfortunately that service has not been upgraded, but the fight continues. We will continue to hold the government to account about these important matters.

Ms D'AMBROSIO (Mill Park) — I am pleased to join this debate in support of the Transport Legislation Miscellaneous Amendments Bill. I do so knowing that the community in my electorate of Mill Park has received great benefits from the well-integrated approach and considered effort on the part of this government to augment many bus services in my electorate. The bill is a small but important addition to the fine work that has been done and will continue to be done throughout the public transport network.

The bill makes several amendments to the existing legislation. Many of them are perfunctory and others are technical, but they are nevertheless important in assisting the government to achieve its public transport agenda. The Road Management Act is one of the acts amended by the bill. The amendment provides for the designation of roads as priority roads for the purposes of multimodal transport. This will assist in better road management and the better integration and more effective operation of Victoria's road network.

It is important to note that some of the amendments go to improving the status of public transport in the statute book, recognising its importance and giving it greater weight. That raises awareness of something the government has placed importance on for some years — that is, the need to ensure the delivery of public transport to the community that is so reliant upon it. Indeed, we do deliver very good public transport options for people. Within the array of acts that govern the management of roads, public transport is currently seen as one of many utilities, along with water, gas et cetera. As I said, the bill changes the status of public transport in the statute book.

Other amendments seek to improve the efficiency of the operation and management of bus stop infrastructure — for example, clear and specific powers will be given to the Department of Transport in that the secretary of the department will be responsible for the installation, removal or relocation of bus stop infrastructure and bus stopping points. The secretary will also be charged with the development of guidelines on preferred bus locations and good bus stop infrastructure. The bill also provides clear reporting requirements for local councils to the secretary of the department regarding the placement, removal or relocation of significant bus stop infrastructure.

The bill makes several other amendments, some of which, as I said earlier, are minor and technical in nature but nevertheless important in ensuring that the laws governing the public transport network and road system are dealt with in an integrated and efficient way.

The government has grown our public transport system. I am very pleased that many communities have seen the introduction of many new bus services, in particular in outer growth areas such as Mill Park. We have also seen the introduction of new bus routes to those growth areas — the new housing developments in various electorates, including Mill Park. That is an endorsement of the important role that buses play within the public transport network and the importance to communities of accessibility to buses. The bill assists in that process very well, and I wish it a speedy passage through the house.

Mr INGRAM (Gippsland East) — I rise to make a contribution to the debate on the Transport Legislation Miscellaneous Amendments Bill 2008. The bill makes a number of changes to several pieces of legislation, but I will focus my comments on the changes it makes to the Marine Act. One of the main elements of those changes is the insertion of a definition of an Australian builders plate standard, a national standard for builders plates on recreational boats.

Before I became involved in politics I worked in the professional fishing industry, so I have a fairly good understanding of the marine board and how it works and the requirements for the marine survey of commercial vessels. It is very important that we have a national standard for recreational boats, because many of them do not meet the same safety, stability and seaworthiness standards as are required for most commercial boats even though many recreational boats are very similar to commercial boats and you can use boats that are built for the recreational sector for commercial purposes, whether they be fishing or other purposes. However, they have to comply with the marine survey requirements.

One of the issues that has come up recently in my electorate and needs to be addressed by the government is a grey area between the registration of recreational boats and the registration of commercial boats. At the moment if a commercially registered boat is to be used for recreational purposes — and that is a fairly grey area — the interpretation of the law by the water police is that that boat has to be registered for recreational use.

The problem with that is you are not allowed to register a boat for recreational use if it is already registered. If the water police find people using commercially registered boats for recreational purposes, they seem to be advising them that the boat needs to be registered as a recreational boat, and you have to lie to VicRoads when you register it to comply with this rule.

In my view there are some simple solutions around how we deal with this. If you cannot have dual registration, then the commercial registration will have to suffice, because clearly you have higher standards in those boats anyway. It is an issue, because at the moment, as I said, water police are basically telling boat drivers that they need to have dual registration, which is not allowed under the act.

The bill addresses some other issues in relation to ports. In my area Gippsland's ports are important regional providers of port services, and this act imposes some obligations on them. A number of issues have been raised by other speakers and some concerns have been expressed, and I support some of those comments. I will be supporting the legislation, but I would like the issues about dual registration of boats to be addressed by the government.

Mr TILLEY (Benambra) — I rise to make a very brief contribution to the debate on the Transport Legislation Miscellaneous Amendments Bill, and in particular on clause 28, which inserts new section 84AB into the Transport Act to give the chief

investigator, transport and marine safety investigations, the authority to require persons to attend and answer questions relating to matters relevant to an investigation.

In simple terms, this would give the chief investigator coercive powers. We all know that the Office of Police Integrity has been given those enormous powers, and now this government wants to give those same powers to the transport investigator, so that people can be ordered to be dragged in and stood over by the chief investigator who, like Dirty Harry, will put a gun to their heads and ask them, 'Have I only fired five shots, or have I fired six, punk?'. I am absolutely gobsmacked that this could happen.

Having had some experience in the area of investigation, I know that an investigation is a search for the truth in accordance with the specifications of the law. It simply would be lazy for an investigator conducting those inquiries to rely on any admission by or any conversation with a suspect or witness. Certainly that evidence is only of any value when it is gained under cross-examination in a court in an appropriate jurisdiction, not in an office or interview room by standing over someone and demanding that they answer questions under duress or any other form of stress.

I urge the minister to take into consideration the enormous powers that will be given to the chief investigator, who under the act can also delegate any power he or she has. Will these coercive powers be given out to anybody? Could the chief investigator engage a contractor or a consultant? Could a tea lady be engaged and given powers to ask these questions? It is just ridiculous. I tell this government that this legislation is sloppy and lazy.

Mr Burgess — Cowboys.

Mr TILLEY — Absolute cowboys. The police do not have these powers. They do not need them, because Victoria Police and investigative agencies are absolute professionals and do not need to rely on putting these pressures on people. Let us say that an investigation should be conducted unencumbered by issues of duress and sloppiness and should rely on any evidence as it stands.

Ms GRALEY (Narre Warren South) — It is a pleasure to speak on the Transport Legislation Miscellaneous Amendments Bill. I would like to commend the government for introducing such a practical and positive bill to deal with the challenges of transport in Victoria. It brings an integrated, streamlined and sustainable approach to transport delivery, and I think the Minister for Roads and Ports, who is in the house, needs to be applauded for introducing such a bill. The bill makes amendments to the Road Management Act 2004, the Transport Act 1983, the Southern and Eastern Integrated Transport Authority Act 2003, the Marine Act 1988 and the Port Services Act 1985.

I would like to highlight a few points. The Road Management Act is being amended to better recognise public transport. Public transport currently has no separate recognition and is defined as a utility, along with traditional utilities like gas, electricity and water. The separate recognition will heighten the awareness of the importance of public transport on the road network, and that is a really good thing.

Secondly, a member on the other side of the chamber mentioned the Southern and Eastern Integrated Transport Authority and EastLink. EastLink is a great road that many people are increasingly using, and it is this government, along with private providers, that has built that road. You cannot get a smoother or faster ride than when you drive on EastLink. Whilst many governments have walked away from that project, this government has delivered it before time and well within budget.

Thirdly, I would like to mention not the wild west but the city of Casey, where the money spent on roads since this government came to power is $375 million. It is an enormous amount of money. Since the 2006 election some $114 million has been spent and, as we know, there is more to come. I would like to commend the bill to the house and wish it a very quick passage.

Mr WELLER (Rodney) — I rise to make a short contribution to the debate on the Transport Legislation Miscellaneous Amendments Bill. I always read with great interest the second-reading speech on any bill. In the second-reading speech for this bill the Minister for Roads and Ports said:

> Unconstrained growth in private car use is simply unworkable, and increased use of more sustainable and mass transit forms of passenger transport is critical to easing road congestion.
>
> This shift will happen provided that such forms of transport operate reliably and efficiently.

Well, we have all seen what has happened to the public transport system! This is where the bill is flawed. If the assumption is that we are going to put people from private cars onto the public transport system — the trains and trams — it will not happen. In trains and trams we have the most unreliable form of public transport, as we have seen over the last few months,

and we continually see that there are problems each day in the newspaper.

This government made a commitment that there would be less red tape, yet this bill creates more red tape. It goes to show that this government has learnt nothing from the Esplin report of 2003, when it said, 'We must use local knowledge'. This bill takes away local knowledge. When it comes to red tape, we see now that local government will have to ask for permission to add a bin to a bus stop or to add a container that would hold cigarette butts at a bus stop.

If Victoria is not becoming the nanny state when it comes to public transport, I do not know what is, because it definitely smacks of being a nanny state when local government has to go to a higher authority to get permission to put a bin at a bus stop.

Mr McINTOSH (Kew) — I want to join with the member for Benambra in expressing my profound concern in relation to clause 28 of the Transport Legislation Miscellaneous Amendments Bill. While the opposition does not oppose the bill, I certainly ask the minister to look at this clause and review the necessity of conferring coercive powers on the chief investigator under clause 28. Those powers, draconian in the extreme, are to be given to a public servant who is not in any way accountable to this place through a specific parliamentary committee.

Most importantly, Acting Speaker, you can understand why we all agreed and came together to pass a number of pieces of legislation that dealt with the Office of Police Integrity and provided it with those specific coercive powers. We provided those coercive powers so that the office could deal with police corruption and indeed the possible links between corrupt police and gangland killings, matters about which we are all profoundly concerned. I just do not think those powers are necessary for a public servant investigating matters relating to public safety and transport or marine accidents. I understand the importance of all those things, but I do not think that coercive powers of this nature are necessary. However, with those remarks aside, the opposition does not oppose the bill.

Mr PALLAS (Minister for Roads and Ports) — I would like to thank all participants in the debate for their contributions to the consideration of this bill. The government has released its $38 billion transport plan to transform Victoria's transport network, which is in fact the biggest single forward contribution in infrastructure this state has ever seen. If you translated the Snowy hydro project into current dollar terms, it would be somewhere between $6 billion and $8 billion. That project went from 1949 to 1974 — that is, it took 25 years to deliver. These projects will be delivered within 12 years.

A number of speakers have made reference in their contributions to the Southern and Eastern Integrated Authority and its role versus the role of VicRoads. SEITA has proven expertise in building large-scale road projects. People in the private sector have quite openly said to the government that SEITA has fantastic expertise in delivering major road projects and that it gets value for money for Victorians. I want to make it clear that I believe that VicRoads also does the same.

I happen to be a great believer in the concept of competition, including competition between effective arms of government agencies delivering on key road projects and honing their skills and expertise by effectively exchanging not only knowledge but also expertise in the delivery of vital road projects. There will be plenty for both organisations to do. Members can be assured of that.

Mr Mulder interjected.

Mr PALLAS — In Australia there are similar examples of organisations like SEITA that deliver road and bus projects that are not tolled and which the member for Polwarth would no doubt know about — for example, City North Infrastructure in Queensland. That just shows that the member for Polwarth does not really understand how infrastructure projects or their delivery can be managed.

The Brumby government is getting on with the job, and we need all hands on deck in Victoria to deliver these projects quickly and make up for years of neglect by the opposition. What has been said is nothing more than scaremongering by the opposition. Once again I state for the record that there will be no tolls on the peninsula link. The Premier and I have both said this publicly, and I again reinforce that point. This is simply scaremongering by the opposition.

Issues relating to the provisions affecting the chief investigator were raised. Victoria has a dedicated independent investigator for public transport and marine safety investigations. This person is known as the chief investigator. The bill introduces two changes which impact on the role of the chief investigator. The first relates to the power to require persons to attend and answer questions, which is covered under clause 28. The second ensures that the transport safety investigations regime is substantially aligned with national investigation requirements.

One difference, however, is the current absence of a power to enable the chief investigator to require persons to attend and answer questions during the investigation of a public transport or marine safety matter. For example, section 32 of the federal Transport Safety Investigation Act 2003 gives the executive director of transport safety investigations the power to require persons to attend and answer questions. Such a power facilitates the speedy investigation of a public transport or marine safety incident. This bill provides the chief investigator in this state with this power.

In relation to the chief investigator's reports not being admissible, the primary focus of an investigation conducted by the chief investigator is to determine the factors that caused the relevant incident and to quickly identify the safety issues that may require review, monitoring or further consideration. An investigation of this type is not intended to lead to apportioning blame. That is a critical point. Disclosure of information gathered in reports of the chief investigator could compromise a trial or unfairly prejudice an accused in a criminal trial. Further, admissibility can have the effect of delaying final reports. Constraints on or delays in determining the cause of an incident run counter to the purpose of establishing the office of chief investigator. Accordingly, the bill provides that an investigation report of the chief investigator is not admissible as evidence in any civil or criminal trial unless the court directs that it be admissible or if it applies to a coronial inquest.

I add at this stage that the Brumby government has done more in these areas than has ever been done before. Since August 2006 there have been more rigorous rail safety standards in the state. In August 2006 the tougher Rail Safety Act commenced operation; a new independent rail regulator, the director, public transport safety, was appointed; and a new independent office of the chief investigator, public transport and marine investigations, was appointed.

There was also debate around new powers for the director of marine safety, as provided by clauses 4 and 5. The sanctions currently available to the director of marine safety in relation to breaches of marine safety standards are not as extensive as those available to the director, public transport safety in relation to rail-related safety matters. The amendments to the Marine Act 1988 improve this situation by giving the director of marine safety more options when a breach of marine safety standards occurs. This will align the marine sector with other areas of transport, particularly rail and heavy vehicles.

Specifically, the changes give the director of marine safety the power to issue improvement notices, which require a person to remedy a contravention or likely contravention of a marine safety law within a specified period, and prohibition notices, which require a person to cease an activity which poses an immediate risk to the safety of persons. These notices may be issued to people involved in 'commercial marine operations', which are activities in connection with the operation of a fishing, trading or government vessel.

There was a series of issues in relation to the Australian builders plate standard. The member for South-West Coast asked questions about whether the Australian builders plate standard provisions apply to recreational vessels only or also vessels with engines and sails and self-built vessels. Consistent with the adoption in other states, in Victoria the standard will apply to vessels that are not required to be surveyed. In general terms, trading, fishing and hire-and-drive vessels are required to have certificates of survey. Recreational vessels and government vessels are not required to have certificates of survey. The standard will therefore apply unless those vessels come within other exclusions. The provisions apply only to new vessels. I commend the bill to the house.

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived.

Motion agreed to.

Read second time.

The DEPUTY SPEAKER — Order! The question is:

That circulated government amendments 1 to 6 be agreed to and the bill be now read a third time.

Question agreed to.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 15, page 47, line 22, after "Government" insert "and the municipal council which is the coordinating road authority".

2. Clause 15, page 47, line 24, after this line insert —

"(4) If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or

part of the road can be specified to be a specified freight road.".

3. Clause 15, page 47, line 25, omit "(4)" and insert "(5)".

4. Clause 15, page 48, line 5, omit "(5)" and insert "(6)".

5. Clause 15, page 48, line 12, omit "(6)" and insert "(7)".

6. Clause 15, page 48, line 13, omit "(5)" and insert "(6)".

Third reading

Motion agreed to.

Read third time.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Second reading

Debate resumed from 10 March; motion of Mr ROBINSON (Minister for Gaming); and Mr O'BRIEN's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to provide for:

(1) measures designed to limit the concentration of ownership, operation and location of electronic gaming machines;

(2) the establishment of the government's promised systems and mechanisms for implementing responsible gambling measures for the conduct of gaming; and

(3) the process of allocation of gaming machine entitlements to not unfairly disadvantage smaller, community-based clubs and small businesses in the pub sector'.

House divided on omission (members in favour vote no):

Ayes, 51

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

Noes, 32

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

Amendment defeated.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

MELBOURNE CRICKET GROUND BILL

Second reading

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

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time, circulated government amendments 1 to 10 inclusive be agreed to and the bill be now read a third time.

Question agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 30, line 16, omit "29" and insert "30".

2. Clause 33, page 22, line 28, omit "20" and insert "21".

3. Clause 33, page 22, line 35, omit "21" and insert "22".

4. Clause 33, page 23, line 14, omit "22" and insert "23".

5. Clause 33, page 23, line 32, omit "24" and insert "25".

6. Clause 33, page 24, line 2, omit "18" and insert "19".

7. Clause 33, page 24, line 9, omit "32" and insert "33".

8. Clause 33, page 24, line 16, omit "23" and insert "24".

9. Clause 33, page 24, line 22, omit "23(6)" and insert "24(6)".

NEW CLAUSE

10. Insert the following New Clause to follow clause 16 —

"AA Occupancy of Melbourne Cricket Club

(1) Despite any other provision of this Act, the Melbourne Cricket Club is entitled to occupy the Ground to the extent and in the manner enjoyed by it at the commencement of the **Melbourne Cricket Ground Act 1933** so long as —

(a) the constitution of the Melbourne Cricket Club is not altered without the consent of the Trust; and

(b) the Melbourne Cricket Club commits no wilful and persistent breach of any regulations made from time to time by the Trust in respect of the Ground; and

(c) the Melbourne Cricket Club commits no wilful and persistent breach of any agreement in writing made between it and the Trust; and

(d) any money borrowed (whether before or after the commencement of this Act) and applied by the Melbourne Cricket Club for the purpose of improving the Ground is owing by the Melbourne Cricket Club to the lenders of the money or to persons lawfully deriving title from those lenders.

(2) The occupation by the Melbourne Cricket Club of the Ground under subsection (1) is deemed to be an occupation pursuant to permission of the Trust lawfully given in the performance of its functions and in accordance with the terms of the Crown Grant and not otherwise.".

Third reading

Motion agreed to.

Read third time.

WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (then Minister for Industrial Relations).

The DEPUTY SPEAKER — Order! The question is:

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

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

BUSHFIRES ROYAL COMMISSION (REPORT) BILL

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Bushfires Royal Commission (Report) Bill 2009.

In my opinion, the Bushfires Royal Commission (Report) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The object of the bill is to commit the government to publishing the reports of the 2009 bushfires royal commission, and to provide a process for publishing and attaching privilege to those reports when Parliament is not sitting.

Human rights issues

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

The only right engaged by the bill is the right to privacy. Section 13 of the charter provides that 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, which commits the government to publishing a report of the commission, may affect the right to privacy and reputation if the commission includes material of a private nature or material that is critical of individuals in its reports. The bill grants absolute privilege to the publication of the reports, so those affected would not be able to sue for defamation.

However, the publication of a report is neither unlawful nor arbitrary. The purposes of the commission are to consider the causes, management and responses to the 2009 bushfires, and to provide recommendations to improve all aspects of preparation and planning for any future bushfire threats. The publication of the commission's reports is necessary to ensure that its findings are available to be considered by the community and adequately responded to by government and other affected organisations.

In addition, there is no pre-existing right to keep the reports of the commission private. The government could publish the reports even without this bill, and if published during sitting days, privilege would be attached to the reports. This legislation simply commits the government to publishing the reports, and allows that publication to occur in a timely manner if the reports are completed in a period when Parliament is not sitting.

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

Any limitation the bill imposes on the right to privacy is reasonable and justifiable in a free and democratic society. As mentioned above, the publication of a report with privilege could occur during Parliamentary sitting periods even without this bill. The impact on privacy is therefore limited, and is justified for the reasons discussed above.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because the effect it may have on a person's right to privacy is neither unlawful nor arbitrary.

John Brumby, MP
Premier

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

On 16 February this year, a commission of inquiry into the Victorian bushfires of late January and February 2009 was established in response to the tragic bushfires that recently ravaged our state. The findings of the commission will be of interest to many members of our community, and this bill is designed to ensure that those findings are available for public scrutiny and discussion.

The bill commits the government to publishing both the interim and final reports of the commission. It further requires that this must occur within 10 days of the Governor receiving each report.

As members may be aware, the ordinary practice is for such reports to be tabled in each house at the command of the Governor, and then ordered to be printed by Parliament. This process causes the reports to attract parliamentary privilege pursuant to sections 73 and 74 of the Constitution Act 1975, which protects the commission, any witnesses, and the publishers of the report from legal action arising from its publication. This privilege is essential to ensure the commission and witnesses before it can comment frankly on any aspect of its inquiry without fear of litigation.

However, it is possible that 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. To avoid delaying publication of such a report, an alternative means of publication is required.

This bill, which is similar to the Longford Royal Commission (Report) Act 1999 and the Constitution (Metropolitan Ambulance Service Royal Commission Report) Act 2001, provides a process whereby the bushfires royal commission reports may be published and attract parliamentary privilege on non-sitting days. The bill departs from the earlier acts by requiring that all members of Parliament have access to the reports as soon as they are published. This allows all members to be kept informed.

I am sure that all members will support this bill as it commits government to publishing the commission's reports, provides for public access to and scrutiny of those reports ensures that the published reports will attract absolute privilege.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Leader of the Opposition).

Debate adjourned until Thursday, 26 March.

LEGISLATION REFORM (REPEALS No. 4) BILL

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Legislation Reform (Repeals No. 4) Bill 2009.

In my opinion, the Legislation Reform (Repeals No. 4) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to repeal a number of redundant Acts of Parliament listed in the schedule.

As part of the process for selecting the acts included in the bill for repeal, the Department of Sustainability and Environment has carefully reviewed that legislation, in consultation with parliamentary counsel. The department has advised that the repeals will not engage any human rights protected by the charter.

In addition, section 14(2)(e) of the Interpretation of Legislation Act 1984 provides that the repeal of an act or a provision of an act, by itself, does not 'affect any right, privilege, obligation or liability acquired, accrued or incurred under that act or provision', unless the repealing act expressly provides for a contrary result. The bill does not expressly seek to affect any person's existing rights, privileges, obligations or liabilities, but simply to repeal the acts specified. As a result, this section should operate to prevent any unintended impairment of the rights or obligations of any persons that might result from the repeals.

Human rights issues

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

The bill does not engage any of the rights under the charter.

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

As the bill does not engage any of the rights under the charter, it is not necessary to consider the application of section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the charter of Human Rights and Responsibilities because it does not raise any human rights issues.

John Brumby, MP
Premier of Victoria

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

The bill before the house is testimony to this government's ongoing commitment to accessibility and accountability. It demonstrates our dedication to the Reducing the Regulatory Burden initiative and to improving the efficiency of government for all Victorians.

This government has already made significant progress in its efforts to consolidate and modernise the Victorian statute book. The bill before the house, namely the Legislation Reform (Repeals No. 4) Bill 2009, is the fourth bill in the government's legislative reform program. Once passed, the bill will repeal a number of spent and redundant acts and contribute to the government's ambitious target of reducing the statute book by 20 per cent.

The first three acts in this series, namely the Legislation Reform (Repeals No. 1) Act 2008, the Legislation Reform (Repeals No. 2) Act 2008 and the Legislation Reform (Repeals No. 3) Act 2008 repealed a total of 153 acts between them. This bill will bring that total to approximately 200.

The schedule to the bill lists the spent and redundant acts to be repealed. The focus of this bill is on land. The acts identified for repeal largely relate to legislation that revoked permanent reservations over, and grants of, Crown land to provide changes in land status to support government or projects supported by government. A number of the acts provided leasing powers that are now contained in the Crown Land (Reserves) Act 1978.

The acts to be repealed have been identified as suitable for repeal following a review of Victoria's legislation by the Office of Chief Parliamentary Counsel and the Department of Sustainability and Environment.

It is anticipated that there will be two further bills in this series introduced this year, resulting in the repeal of up to 100 more principal and amending acts during 2009.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 26 March.

Referral to committee

Mr BATCHELOR (Minister for Community Development) — By leave, I move:

That the proposals contained in the Legislation Reform (Repeals No. 4) Bill 2009 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Motion agreed to.

STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009.

In my opinion, the Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the following seven acts to ensure their compatibility with the charter:

a) Australian Grands Prix Act 1994

b) Education and Training Reform Act 2006

c) Fair Trading Act 1999

d) Forests Act 1968

e) Project Development and Construction Management Act 1994

f) Transport Act 1983

g) Victorian Urban Development Authority Act 2003

These acts contain provisions that are potentially incompatible with the human rights contained in the charter. The primary objective of the bill is to ensure that each of these acts can be read compatibly with the human rights contained in the charter. The bill promotes the right to the presumption of innocence (section 25(1) of the charter), the right to equality (section 8), and the right to freedom of expression (section 15).

Human rights issues

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

The right to be presumed innocent

Most criminal offences require the prosecution to prove all elements of the offence beyond reasonable doubt. 'Reverse onus offence' is an umbrella term for offences which require the defendant to prove a defence, disprove a presumption or disprove an element of the offence, in order to escape liability.

A reverse onus offence can contain either a legal onus or an evidential onus. A legal onus requires the defendant to prove a defence or disprove an element of the offence, on the balance of probabilities. By contrast, an evidential onus requires the defendant only to adduce or point to some evidence that puts the matter in issue. The legal burden then lies with the prosecution to prove the matter beyond reasonable doubt.

Provisions which impose a legal onus on the defendant may limit the right to be presumed innocent under section 25(1) of the charter. This is because where a defendant is unable to prove the defence (or disprove a presumption), she or he could be convicted even though reasonable doubt exists as to her or his guilt. An evidential onus is less likely to be an unreasonable limitation on the right to be presumed innocent.

Whether a reverse legal onus constitutes a justifiable limitation on the right to be presumed innocent involves consideration of a number of factors, including:

the nature and context of the conduct subject to regulation;

the nature and purpose of the offence;

the reason for the reverse onus e.g. is the matter something which is peculiarly within the knowledge of the accused, would there be difficulties for the prosecution in proving a matter without the reverse onus, or would it require the prosecution to prove a negative which is notoriously difficult;

the severity of the penalty to be imposed;

what the effect of the onus on the accused will be, for example, how easy it will be for the accused to discharge the onus, or whether it will be necessary for the accused to admit the offence or an element of it in order to avail himself or herself of the defence;

whether there are any less restrictive means reasonably available to achieve the purpose, such as imposing an evidential onus.

The bill amends a number of acts to ensure consistency with the right to be presumed innocent in circumstances where an existing reverse legal onus might not constitute a reasonable limitation on the right, having regard to all relevant factors discussed above.

Part 5 of the bill will amend sections 59 and 61 of the Forests Act 1958. Sections 59 and 61 of the Forests Act 1958 contain offences which place a legal burden on the accused to prove an element of the offence. The limitations on the right to be presumed innocent may be unreasonable, and the amendment in clauses 14 and 15 will have the effect of removing the reverse legal onus by requiring the prosecution to prove all elements of the offence.

A number of amendments will change reverse legal onus provisions to reverse evidential onus provisions to ensure compatibility with the right to be presumed innocent. These amendments are contained in part 2 of the bill (amending section 51(5) of the Australian Grands Prix Act 1994); part 4 (amending sections 4(2) and 14(2) of the Fair Trading Act 1999); and part 7 (amending sections 228ZL(4) and 228ZN(4) of the Transport Act 1983).

The right to equality

Section 8(3) of the charter provides that every person is equal before the law, is entitled to equal protection of the law without discrimination, and has the right to equal and effective protection against discrimination. Discrimination, in relation to a person, means discrimination within the meaning of part 2 of the Equal Opportunity Act 1995 (EO act) on the basis of an attribute set out in section 6 of that act. 'Age' is a prohibited attribute.

Part 3 of the bill amends section 2.4.31(2) of the Education and Training Reform Act 2006. This provision currently provides that only people under the age of 65 are entitled to be re-employed on an ongoing basis in the teaching service. This provision may constitute discrimination on the basis of age and be incompatible with the right in section 8(3) of the charter. The amendment removes the possible age discrimination by providing that re-employment is based on competence, capacity and satisfaction of the criteria for registration as a teacher, rather than age.

Freedom of expression

Section 15 of the charter establishes a qualified right to freedom of expression. The right to freedom of expression protects a person's right to hold an opinion without interference, and includes the freedom to seek, receive and impart information and ideas, whether orally, in writing, in print by way of art, or other medium.

Part 8 of the bill amends section 72 of the Victorian Urban Development Authority Act 2003. Section 72 makes it an offence for a person connected with VicUrban to communicate information, except in carrying out official duties or obligations, or within the scope of other exemptions. The provision restricts the right of freedom of expression, in particular, the right to impart information. The restriction aims to protect confidential project information. However, the provision appears to apply to all information, not just confidential information. It would apply to information already in the public domain. For example, the provision would prevent a person who works at VicUrban from talking to friends or family about publicly known facts about a project, if the VicUrban employee found out those facts because of the connection with VicUrban. The amendment in part 12 of the bill will ensure that the restriction on communicating information will only apply to confidential information. This is considered to be a less restrictive means of achieving the purpose of protecting confidential project information.

Similarly, part 6 of the bill amends section 43 of the Project Development and Construction Management Act 1994. Section 43 makes it an offence for a person connected with a nominated project to communicate information gained in connection with the project, except in carrying out official duties or obligations, with the consent of the responsible minister, or if required by a court. The restriction limits freedom of expression. As discussed above, the amendment in part 6 will mean that section 43 is less restrictive of the right to freedom of expression and ensure compatibility with the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill is a product of this government's commitment to human rights. In July 2006, this Parliament enacted the Charter of Human Rights and Responsibilities, which represented the first legislated charter of human rights for an Australian state. The bill I am introducing today follows on from the enactment of the charter and is another step by the government to fulfil its commitment to provide better protection for human rights for all people in Victoria.

Since the commencement of the charter, the government has been reviewing existing legislation to ensure its consistency with the provisions of the charter. The process has confirmed that the vast majority of Victorian acts are consistent with the rights contained in the charter. This statute law amendment bill will amend seven existing Victorian acts containing provisions that are potentially incompatible with the human rights contained in the charter, and that are appropriate to amend at this stage. The bill is therefore an important step in fulfilling the government's ongoing commitment to protect and promote human rights.

I will now turn to the amendments contained in the bill.

The bill will amend a discriminatory provision in the Education and Training Reform Act 2006 to ensure that it is consistent with the right to equality before the law in section 8 of the charter. The section requiring amendment currently provides that only people under the age of 65 are entitled to be re-employed on an ongoing basis in the teaching service. Instead, re-employment will be based on competence, capacity and satisfaction of the criteria for registration as a teacher, rather than age.

The bill will also amend confidentiality provisions in two acts to ensure consistency with the right to freedom of expression which is protected in section 15 of the charter. The Victorian Urban Development Authority Act 2003 and the Project Development and Construction Management Act 1994 contain confidentiality provisions which limit freedom of expression, by making it an offence for a person to communicate any information obtained because of their connection with the relevant agency or a particular development, except when carrying out official duties. The offence provision currently criminalises the

disclosure of all information. These acts will be amended so that it will be an offence to communicate confidential information, rather than all information.

Four of the seven acts to be amended contain 'reverse onus' provisions which limit the right to be presumed innocent under the charter. Most criminal offences require the prosecution to prove all elements of the offence beyond reasonable doubt. 'Reverse onus offence' is an umbrella term for offences which require the defendant to prove a defence, disprove a presumption or disprove an element of the offence, in order to escape liability. In the context of a reverse onus offence, a distinction can be drawn between a legal onus and an evidential onus. A legal onus requires the defendant to prove a defence. An evidential onus requires the defendant to simply point to evidence that raises their defence. Reverse onus offences may limit the right to be presumed innocent under the charter, because of the risk that a person may be found guilty through their inability to prove their defence even where there is reasonable doubt that they are guilty. An evidential onus on the defendant is much more likely to be compatible with the right to be presumed innocent than a legal onus.

There are many reverse onus offences scattered throughout the statute book and in many cases they will be justifiable as a reasonable limitation on the presumption of innocence because of the nature of the offence. However, in some cases, the existence of the reverse onus may be less justifiable.

The proposed amendments will ensure compatibility with the right to be presumed innocent by making amendments which change reverse legal onus provisions to reverse evidential onus provisions where appropriate, or removing the reverse onus altogether.

By taking positive, proactive steps to amend the legislation contained in the bill to ensure compatibility with the charter, this government is demonstrating a strong commitment to the charter and its key purpose of protecting the human rights of all Victorians.

I commend the bill to the house.

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

Debate adjourned until Thursday, 26 March.

CRIMES AMENDMENT (IDENTITY CRIME) BILL

Statement of compatibility

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

I make this statement of compatibility with respect to the Crimes Amendment (Identity Crime) Bill 2009 (the bill), in accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter).

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

Overview of bill

The objective of the bill is to create new identity crime offences and to allow victims of identity crime to obtain court certificates to assist them in remedying the effects of the crime.

Human rights issues

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

Section 15: freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression which includes the right to seek, receive and impart information and ideas orally, in writing, in print et cetera and the right not to express. Section 15(3) qualifies this right. It provides that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order etc. 'Public order' is the sum of rules that ensure the peaceful and effective functioning of society. Effective criminal laws, including criminal procedure laws, are necessary to ensure the proper administration of justice and to protect the community and parties to proceedings. This is a key element of public order.

Clause 3 creates the identity crime offences of making, using or supplying identification information, possessing identification information, and possessing equipment capable of making identification documentation, in certain circumstances. The provisions target the creation, capture, use or transfer of information that can be used by a person to pretend to be, or to pass themself off as, another person. Such information includes name, address, date and place of birth, biometric data, digital signatures, financial account numbers, user names and passwords. The new offences raise and limit the right to freedom of expression as they criminalise seeking, receiving and imparting this type of information. However, this right may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, protect national security, public order et cetera.

The possession of an identity is inseparable from an individual's sense of self and individuality and is central to almost all aspects of life. Identity crime is a growing problem that can have significant adverse effects on the rights and

reputations of the true owners of identities stolen or misused. It also affects other individuals, businesses and government, is recognised as a factor in organised and transnational crime and may pose a threat to national security.

The new offences will only apply where there is intent to commit an indictable offence. The requirement to prove intention will ensure that the new provisions do not capture legitimate possession or use (for example, an artist who possesses equipment for making identity documents to produce artwork, or a person who carries a friend's driver's licence in their bag at the friend's request). By facilitating the prosecution of identity crime offenders, the new offence provisions advance the privacy and property rights of identity crime victims (protected by sections 13 and 20 of the charter) and the broader public interest.

The provisions are precise and circumscribed, clearly authorise this minor interference with freedom of expression and are necessary to prosecute identity crime effectively in Victoria. The restriction is lawful as it is proportionate, appropriate and adapted to protecting public order, national security and the rights and reputations of other persons. For these reasons, I consider that the provisions are compatible with the charter right to freedom of expression.

Section 24: fair hearing

Section 24 of the charter guarantees the right to a fair and public hearing to persons charged with a criminal offence and parties to civil proceedings. This right is concerned with procedural fairness, that is, the right of a party to be heard and to respond to any allegations made against him or her, and the requirement that the court or tribunal be unbiased, independent and impartial. However, what amounts to a 'fair' hearing takes account of all relevant interests including those of the accused, the victim, witnesses and society.

Clauses 8 and 9 of the bill amend provisions in the Children, Youth and Families Act 2005 and the Sentencing Act 1991 that require the recording of sentence discounts for pleas of guilty. The amendments clarify that the court must articulate and record the discount and that the recording may be in any form. This enhances transparency in sentencing and promotes fair hearing rights.

Section 25(2)(a): right to be informed

Under charter section 25(2)(a), a person charged with a criminal offence is entitled to be informed of the nature and reason for the charge, promptly and in detail. The purpose of the section is to ensure that the accused is told, in a timely manner, what he or she is charged with and why. This enables an accused to prepare their defence and to make decisions as to how to plead, whether to engage a lawyer, and about family and financial arrangements et cetera. The right to be informed extends to each offence charged and sufficient detailed facts as to the time and date of the event/s said to support each charge.

Clause 4 of the bill inserts new section 426 in the Crimes Act 1958. The section provides that a person charged with making, using or supplying identification information may instead be found guilty of possessing identification information and punished accordingly. The provision raises the accused's right to be informed as it allows them to be convicted of an alternative offence to the one charged.

Provisions that authorise a court to convict an accused of a different offence to that charged raise an important issue in relation to notice. New Zealand courts have held that the right refers to the charges actually laid, not charges that the police might be in a position to make but have not yet made: *R v. K* (1995) NZLR 440, 447 (HC). On this view, the right does not extend to lesser included offences, therefore clause 4 does not limit an accused's right to be informed. Further, it would be wasteful and inappropriate to prevent a court from making a finding of guilt for the lesser offence of possession, particularly as it is an essential component of the dealing offence and the penalty for possession is less severe.

If a court is not permitted to convict an accused of this lesser, included offence, it must either convict the accused of the offence of dealing or acquit the accused even where it considers that the accused is guilty of behaviour better described by the offence of possession. In these circumstances, an accused would have been informed of the relevant facts and conduct, which inevitably would include possession of identification information, at the time they were charged with the offence of dealing. Therefore, the alternative verdict provision in clause 4 of the bill does not limit the right to be informed and is compatible with the charter.

Section 25(2)(d): right to be tried in person

Charter section 25(2)(d) protects the right of an accused to be tried and to defend himself or herself in person or through legal assistance. Clause 6 permits a court that has found an accused guilty of an identity crime offence to issue a certificate to a person who is a victim of the offence. This clause does not engage the right to be tried in person, it is contingent on a finding of guilt.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities, even though it limits the freedom of expression, as the limits are lawful restrictions.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill targets identity crime, that is, the unauthorised use of identification information belonging to another person.

Identity crime is recognised as one of the fastest growing crimes in the world. The growth in new technologies and increasing internet usage in Australia and elsewhere has multiplied the risk of personal information being misappropriated. Governments, law enforcement agencies, business groups and victims' advocates all agree that the incidence and costs of this type of crime have increased significantly over the past few years, and will continue to do so.

Identity crime can cover many types of conduct, from the use of someone's credit card details illegally to buy goods online, to the assumption of someone's entire identity in order to open bank accounts or take out loans in that person's name. Other examples include placing a skimming device on an ATM in order to collect card information and manufacturing multiple false identities to avoid detection and prosecution for criminal offences.

Identity crime can have significant direct and indirect costs. People who have had their identity stolen commonly experience financial impacts, such as loss of savings and damage to their credit rating, as well as considerable emotional distress. Such victims often have to spend time and money to restore transaction records, credit history and reputation. The Australian Bureau of Statistics estimates that nearly half a million Australians were victims of some form of identity fraud in 2007.

Financial institutions and businesses are also victims of identity crime. Like individual victims, they suffer financial loss and damage to reputation as a result of such crimes, and are having to implement increasingly complex mechanisms to address the issue.

Governments and the general community are also affected by identity crime. For example, offenders can manufacture and misuse identification documents to gain improper access to citizenship or social services, or impact on national security by facilitating organised crime or terrorist activity.

Existing Victorian laws cover aspects of identity crime, including obtaining property or financial advantage by deception, but they do not comprehensively criminalise identity crime. This bill will redress this situation by enacting three specific identity crime offences.

The new offences will cover:

making, using or supplying identification information with intent to commit an indictable offence;

possessing identification information with intent to commit an indictable offence; and

possessing equipment capable of making identification documentation with intent to commit an indictable offence.

The offences are based on recommendations made by the Model Criminal Law Officers Committee (MCLOC). They will apply to the misuse of information of both individuals and bodies corporate, and will apply whether the information relates to a real or fictitious person. The bill uses technologically neutral language to ensure that the offences capture advances in technology.

The requirement to prove intent to commit an indictable offence will ensure that the bill does not capture innocent possession (such as holding a friend's licence at her request) or relatively minor offending behaviour (such as using fake ID to buy alcohol).

Rather, the offences will target preparatory behaviour that is specific to identity crime and that is often not covered by current Victorian law. For example, if a shop employee uses a skimming device to download customers' credit card information with the intention of then using that information to buy goods illegally, he or she would not be guilty of fraud or theft until the information is used. However, he or she would be captured by the new possession offence. This will allow police to be more proactive in their investigation of such offences, and will also facilitate the prosecution of offenders.

The certificate provisions in the bill will allow victims of identity crime to obtain a court certificate to assist them in remedying the effects of the crime. It is anticipated that certificates will be used during dealings with banks or credit providers, or when requesting replacement identification documents. While certificates would not compel action by any third party, they would provide the victim with proof beyond reasonable doubt that their information has been misused by another person to commit an identity crime.

Courts will be able to issue certificates following a finding of guilt for an identity crime offence. This is consistent with provisions in Queensland and South Australia.

The exposure draft bill released in December 2008 for public comment canvassed a number of options for a certificate scheme. One option was to allow for certificates to be issued following a finding of guilt (as is the case in South Australia and Queensland). Another option was to allow certificates to be issued even where the offender is not known, has not been prosecuted, or has been acquitted. The latter option was based on recommendations made by the Model Criminal Code Officers' Committee in the report to which I referred earlier.

Consultation with stakeholders highlighted a number of varied and complex issues in relation to the operation of the certificate provisions, particularly where applications are made independently of a prosecution.

Some stakeholders raised concerns regarding the formality, cost and stress involved in court proceedings, the role of police and the type of evidence and standard of proof that would be required. They also expressed the concern that creditors may start requiring victims to obtain certificates before assessing their claims. This would create another obstacle for victims rather than helping them.

Accordingly, the government has decided to opt for a scheme that allows certificates to be issued after an offender has been found guilty. This will ensure that third parties cannot require victims to obtain a certificate. Certificates issued under this scheme will also carry more weight as they will involve a higher standard of proof.

The certificate scheme will be monitored and evaluated to determine whether the certificates achieve their purpose of helping victims of identity crime and whether the scheme should be extended to allow certificates to be issued even where no offender has been found guilty.

The bill complements other government initiatives to assist victims and educate the public about the risks of identity crime such as the 'Be ID aware' campaign, and forms an important new part of the government's strategy to combat identity crime and assist its victims.

I commend the bill to the house.

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

Debate adjourned until Thursday, 26 March.

HUMAN SERVICES (COMPLEX NEEDS) BILL

Statement of compatibility

Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Human Services (Complex Needs) Bill 2009.

In my opinion, the Human Services (Complex Needs) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill provides the framework to enable the continuation of the Department of Human Services multiple and complex needs initiative (MACNI) after the sunset of the Human Services (Complex Needs) Act 2003 on 31 May 2009.

The bill allows the Department of Human Services to respond to multiple and complex needs clients in a flexible and coordinated way, through assessment and care planning for eligible persons. Services will be provided on a voluntary basis, as clients are able to refuse to be considered for eligibility and to refuse to be the subject of a care plan.

Human rights issues

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

Section 13 — privacy and reputation

The right to privacy of persons receiving services under the legislation may be interfered with by the information sharing provisions, including sections 14, 16, and 17 of the bill. However, this right is not limited as the interference is neither unlawful nor arbitrary. The powers to collect, use and disclose personal and health information are properly prescribed, and no less restrictive means exist to achieve the bill's aim of providing coordinated services based on a comprehensive assessment of a person's needs.

It is noted that:

(a) disclosure of information is required for the purpose of determining a person's eligibility or developing and implementing a care plan, and must be in the best interests of the person;

(b) the person will be notified that their personal and health information will be shared in this way, and has the option of refusing to participate in the program;

(c) there is a confidentiality provision which prohibits the use or disclosure of information gained under the legislation for improper purpose.

Section 8 — Recognition and equality before the law

This right is engaged and limited by section 7 of the bill, which sets out the eligibility criteria. Only people who meet the eligibility criteria will receive services under the legislation. However, as this limitation is reasonable (as set out below), the legislation is compatible with this right.

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

(a) the nature of the right being limited

The right to recognition and equality before the law means that every person should be equal before the law and has the right to equal and effective protection against discrimination.

(b) the importance of the purpose of the limitation

Purpose of the limitation imposed by the eligibility criteria is to ensure that services are directed to the target group, people with multiple and complex needs. The legislation specifically targets people who are often

unable, because of their multiple and complex needs, to access services appropriate to the nature and degree of their impairments. It is not targeted at people under 16 years of age, whose needs are more appropriately met by child-focused services.

(c) the nature and extent of the limitation

Only people who meet the eligibility criteria can receive services under the legislation. An eligible person is a person who:

(a) has attained 16 years of age; and

(b) appears to satisfy two or more of the following criteria —

has a mental disorder within the meaning of the Mental Health Act 1986;

has an acquired brain injury;

has an intellectual impairment;

is an alcoholic or drug-dependent person within the meaning of the Alcoholics and Drug-dependent Persons Act 1968; and

(c) has exhibited violent or dangerous behaviour that caused serious harm to himself or herself or some other person or is exhibiting behaviour which is reasonable likely to place himself or herself or some other person at risk of serious harm; and

(d) is in need of intensive supervision and support and would derive benefit from receiving co-ordinated services in accordance with a care plan under the act that may include welfare services, health services, mental health services, disability services, drug and alcohol treatment services or housing and support services.

(d) the relationship between the limitation and its purpose

The limitation imposed by the eligibility criteria is directly related to the purpose of the legislation, which is to facilitate coordinated service delivery to the target group of the people who most need it due to their multiple and complex needs. The age criteria is rational and proportionate as the needs of children under 16 are more appropriately met by child-focused services.

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

None.

(f) any other relevant factors

The legislation aims to assist people with multiple and complex needs, who often suffer disadvantage due to discrimination based on a mental disorder, acquired brain injury, intellectual impairment, alcoholism or drug dependency.

Conclusion

The limitation is reasonable.

Hon. Daniel Andrews, MP
Minister for Health

Second reading

Mr ANDREWS (Minister for Health) — I move:

That this bill be now read a second time.

Victoria took the lead in 2003 in establishing the multiple and complex needs initiative, with the proclamation of the Human Services (Complex Needs) Act 2003. We can all take pride in this. Many jurisdictions, both nationally and internationally, have shown great interest in both the multiple and complex needs initiative service model and the supporting legislation. After four years of operation, it is now time to bring into effect new legislation to support an improved model of care.

The multiple and complex needs initiative ensures a coordinated and flexible client-centred response, to the small number of individuals who traditionally challenge service boundaries and capacities. It also leads to better and more flexible service provision for many others, through flow-on benefits to the service system as a whole. Its implementation has begun a substantial reform process, involving a real shift in the way we provide tailored care to these clients.

The current legislation — Human Services (Complex Needs) Act 2003 — has a sunset clause that comes into effect in May this year. We are now introducing the Human Services (Complex Needs) Bill 2009 to continue to support the 200 to 300 Victorians with the dedicated and targeted response necessary to improve their quality of life.

The clients of the multiple and complex needs initiative are those who run the risk of falling through the gaps in the system. They characteristically have substantial difficulties and high-care needs because of the number of co-morbidities and, often, histories of exclusion. They suffer mental health problems, have other cognitive difficulties, and often have substance abuse issues and histories of involvement with the criminal justice system. They are some of our most marginalised and disadvantaged community members.

Since 2003, the multiple and complex needs initiative service response has enabled us to obtain better, more coordinated care and support for these high needs, vulnerable individuals. This bill supports the service system, through the multiple and complex needs initiative, to continue to respond in a more flexible and coordinated way, while incorporating a number of

improvements identified through practice, experience and evaluation.

The bill will continue to provide the powers for determining eligibility, for prescribing assessment and care planning, and for the disclosure between services of health and personal information regarding multiple and complex needs initiative clients.

The multiple and complex needs initiative is, and will continue to be, an opt-in model. Participation is entirely voluntary. Early concern that people would be reluctant to engage, has overall, proved unfounded. In practice, we have found that clients themselves do want more effective care planning and support, when it can be delivered flexibly and intensively.

While the past four years has shown us the value of legislative authority, we have also learnt that some of the statutory processes in the 2003 act can be improved. In particular, a speedy response to meet people's needs, once they are eligible, has been hampered by a linear approach to assessment and planning.

This bill supports a new model of service to deliver quality assessment and planning in a way that engages and gains commitment from services earlier.

The new service model for the multiple and complex needs initiative includes:

maintenance of a central gateway for eligibility to ensure a focus on those in greatest need;

an improved service response for the target group through greater local (regional) decision making; and

streamlined administrative arrangements.

This bill provides the framework for the new service model, including:

defined eligibility criteria and eligibility processes;

the parameters for the provision of assessment and care planning services to eligible clients;

provisions for disclosure of personal and health information; and

general provisions on voluntary participation, transitional arrangements, confidentiality and forms of notifications.

In order to incorporate improvements learned through practice and evaluation, and to reduce delay and barriers to service, the bill does not include:

a sunset clause

a statutory panel; or

prescriptive time lines for assessment and care planning.

We no longer need a sunset clause, as practice experience and program evaluation conducted over the past four years have shown the value of the multiple and complex needs initiative. This means we are now well placed to continuously improve the service model with the support and authority of ongoing legislation.

An intended benefit of the multiple and complex needs initiative model is increased capacity for collaboration amongst service providers at the local level. Over nearly four years of the initiative's operation to June 2008, there have been 559 client related consultations at the regional level, most of which have been resolved locally.

For multiple and complex needs initiative clients with a care plan there has been a reduction in presentations to emergency departments of 76 per cent, a reduction in the number of admissions to hospital of 34 per cent, and a reduction in hospital admission bed days of 57 per cent.

This legislation will support the multiple and complex needs initiative service and its benefits for some of our most vulnerable citizens in the years to come.

A statutory multiple and complex needs panel is not reintroduced under the proposed bill. A key reason for the creation of the panel was that it was initially intended that the 2003 act contain the power to detain people as needed, for the purposes of assessment. However, this circumstance did not eventuate, and has not been shown to be necessary. Instead, the new service model provides for the establishment of a non-statutory central eligibility and review group, comprising senior departmental executives and expert practitioners from the Department of Human Services and the Department of Justice, and independent community experts subject to a selection process. Members of the current multiple and complex needs panel may also choose to express interest in continuing their involvement.

Under the 2003 act, the rigid separation of assessment and planning, along with separate time frames, has led to slower than anticipated commitment of services, and consequently undue delays in service delivery. The time frames in this bill enable earlier commitment of services, with regular reviews. The service response

time frame will be a minimum of one year, and can be extended to a maximum of three years.

Supported by new legislation, strong program guidelines, and clear non-statutory governance and administrative arrangements, the Multiple and Complex Needs Initiative will continue to ensure coordinated, flexible and responsive services to Victorians with multiple and complex needs.

This legislation and the associated Multiple and Complex Needs Initiative service model exemplify the government's commitment to addressing disadvantage and social inclusion, that is, concentrating effort on enabling vulnerable Victorians to fully participate in our community.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 26 March.

ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009 (the amendment bill).

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

Overview of the bill

This amendment bill will promote the installation and use by Victorians of small solar energy generation facilities by encouraging Victorians to install solar facilities and to promote renewable energy electricity generation through a feed-in credit system. It also ensures Victorian households are offered a reasonable amount for the electricity they supply to the grid from their solar energy systems, credited against charges payable by the households. The scheme will apply to new and existing small-scale solar energy systems that are installed in households, which have the required metering and are connected to the electricity grid. The scheme will operate for 15 years, from the commencement of the amendment bill until the end of the 15th anniversary of the commencement or upon the declared scheme capacity day.

The bill will insert new provisions into division 5A of part 2 of the Electricity Industry Act 2000, which is the division providing terms and conditions for the purchase of small renewable energy generation electricity. The amendment bill also makes a minor statutory amendment to the National Electricity (Victoria) Act 2005, deeming the solar feed-in credit obligation to be a regulatory obligation.

The amendment bill inserts three principal obligations, and terms and conditions relevant to them into the Electricity Industry Act 2000:

(a) Purchasing retailers' obligation — to credit the relevant customer premium feed-in tariff;

(b) distributors' obligation — to provide relevant retailers with credit equal to the customer premium feed-in tariff credit; and

(c) selling retailers' obligation — where retailers selling electricity to customers in the distributor's area cover the cost of that distributor's obligation, by passing the charge on to their customers.

Human rights issues

Human rights protected by the charter are unlikely to be affected by the amendment bill, as the bill affects licensees that are corporations rather than individuals. The charter provides that only persons have human rights.

However, in the event that licensees are individuals, the amendment bill technically engages the right not to be deprived of property in section 20 of the charter. Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. 'Property' includes statutory rights such as licences.

While the amendment bill potentially affects such property by imposing new licence conditions, the right is not limited as the licensee is not 'deprived' of the use or enjoyment of the licence. For example, clause 5 of the amendment bill provides that small retailers and retailers with a licence to sell electricity may offer to purchase solar energy at a premium solar feed-in tariff. It also places a solar feed-in credit obligation on distributors, whereby distribution licences are deemed to have a condition that credits the retailer for the amount for excess solar electricity conveyed along a distribution system operated by that distribution company. Clauses 5 and 6 also place conditions on the licences of distribution companies and retailers to distribute and sell electricity. These licence conditions include the requirement to publish the prices, terms and conditions from which a licensee will purchase solar electricity from the customers providing their excess solar energy back into the grid. The amendment bill also fixes solar feed-in credit at not less that $0.60 per kilowatt hour. The terms and conditions introduced in relation to licences are adequately accessible and formulated with sufficient precision so as to be 'lawful' and to ensure that additional restrictions on licences required by the scheme are not enforced arbitrarily or selectively and are in accordance with the law.

Pursuant to the amendment bill, the purchasing retailer provides a credit to the relevant customer. The credit is against the charges payable by the relevant customer to the retailer for electricity. Any excess premium solar feed-in credit can be carried forward within a 12-month period but

after that it is extinguished. The premium solar feed-in credit can be used at any stage during that 12-month period. To the extent that the extinguishment of the credit may be deprivation of property, it is required by the scheme and it is not arbitrary and is in accordance with the law.

Conclusion

I consider that the bill is compatible with the charter because it does not raise any human rights issues.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The Brumby government is committed to tackling climate change and to establishing practical measures that assist Victorian households to reduce their greenhouse gas emissions. This bill will introduce a premium solar feed-in tariff scheme to support Victorian households who choose to invest in solar photovoltaic systems.

Feed-in tariffs apply to power generated by customers and supplied to the electricity network. The bill provides for Victorian households with small scale solar power systems to be credited a premium rate of no less than 60 cents for every unused kilowatt hour of power fed back into the grid. The credit will apply to all systems of up to 3.2 kilowatts capacity installed at a customer's principal place of residence. The scheme will run for 15 years and have a cap of 100 megawatts of generating capacity.

The premium feed-in tariff will support the solar industry and make it more affordable for individuals to play their part in tackling climate change. It will also encourage energy efficiency by rewarding those who are able to supply excess power to the energy grid.

The bill builds on earlier measures to establish a feed-in tariff scheme. In 2004, the Electricity Industry Act 2000 was amended to require retailers to publish buyback rates for power from small wind generators. In 2007 that obligation was extended to other forms of renewable generation, including hydro, biomass and solar. As well, the act was amended to require the published prices, terms and conditions to be fair and reasonable.

The bill amends the Electricity Industry Act 2000 to provide for the premium solar feed-in tariff scheme to operate alongside the existing scheme, now to be known as the general feed-in tariff scheme. Clause 4 introduces new and modified definitions accordingly.

Clauses 5 to 13 make consequential amendments to the existing provisions and insert new sections that set out the various elements of the premium solar feed-in tariff scheme. These new sections largely mirror the existing provisions. Retailers with 5000 or more residential customers will be required to publish premium solar feed-in terms and conditions, in the same way they publish general feed-in terms and conditions. The published premium solar feed-in terms and conditions will have to be fair and reasonable and will be subject to assessment by the minister and the Essential Services Commission.

There are some new elements. Retailers with 5000 or fewer residential customers will be able to choose whether or not to participate in the premium solar feed-in tariff scheme. If they opt in, they will have the same obligations as larger retailers. This will enable small retailers to compete with other retailers should they choose to do so, and ensure that their customers receive terms and conditions which are assessed as fair and reasonable.

Distributors will also have a role in the premium solar feed-in tariff scheme. They will credit to retailers 60 cents for every unused kilowatt hour of power fed back into the grid. Distributors will be able to recover their costs by way of the pass-through provisions of the current electricity distribution pricing determination.

Lastly, new section 40NB provides for an independent review of the premium solar feed-in tariff scheme to be carried out by 30 June 2012. This will assist in an assessment of whether the premium feed-in tariff scheme is achieving its stated purposes.

The premium solar feed-in tariff scheme introduced in this bill delivers on a 2006 election promise and will ensure Victoria continues to lead Australia on renewable energy initiatives. It is part of a strategic approach by the Brumby government to provide affordable, sustainable energy for Victoria's future. Premium solar feed-in tariffs, together with the Victorian energy efficiency target scheme, which began on 1 January 2009, will empower Victorian households to take action on climate change.

The scheme also complements Victoria's mandated renewable energy target and technology innovation grants for renewable technologies that will deliver large scale renewable energy generation.

I commend the bill to the house.

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

Debate adjourned until Thursday, 26 March.

VICTORIA LAW FOUNDATION BILL

Council's amendments

Message from Council relating to following the amendments considered:

1. Clause 5, page 5, after line 11 insert —

"(iii) community and professional education about the law and the legal system;

(iv) the administration of justice;".

2. Clause 7, lines 2 to 18, omit all words and expressions on these lines and insert —

"( ) The Foundation consists of not less than 6 and not more than 8 members (of whom 4 must be lawyers) appointed by the Minister of whom —

(a) one is to be appointed on the nomination of the Chief Justice of the Supreme Court; and

(b) one is to be appointed on the nomination of the Law Institute of Victoria; and

(c) one is to be appointed on the nomination of the Victorian Bar; and

(d) one is to be appointed on the nomination of the Federation of Community Legal Centres (Vic.) Inc; and

(e) up to 4 are to be appointed by the Minister having regard to the need for the Foundation collectively to have experience and skills in, and knowledge of, the following areas —

(i) the law, legal research or community legal education;

(ii) management of community organisations, not-for-profit organisations or bodies corporate;

(iii) financial management;

(iv) grants administration;

(v) marketing, communications and publishing.".

3. Clause 7, lines 19 to 21, omit subclause (3) and insert —

"( ) The nominee of the Chief Justice is the Chairperson of the Foundation."

4. Clause 8, page 8, lines 4 and 5, omit this paragraph.

5. Clause 8, page 8, after line 11 insert —

"( ) A member may resign by writing delivered to the Chairperson.

( ) The Minister must as soon as practicable after a nominated member referred to in section 7(1)(a), (b), (c) or (d) resigns or is removed from office appoint a replacement member on the nomination of the person or body who nominated the former member.".

Mr HULLS (Attorney-General) — I move:

That the amendments be agreed to.

In speaking to the amendments to the bill, I note that members will recall the Victoria Law Foundation Bill is designed to modernise the foundation which has been in existence since 1967 — that was the year Geelong got beaten by Richmond in the grand final; I remember it. I was 10 years of age and have been crying ever since!

This bill also aims to streamline the governance, structure and functions of the foundation. It is yet another example of this government's commitment to enhancing access to justice and to modernising the justice system in this state.

The bill was drafted following the findings and recommendations of an independent report prepared in 2007. The report recommended a move away from sector representation on the board to appointments based on skills, knowledge and experience in a range of areas to direct the business of the foundation. The bill was passed in this place on 21 August and subsequently passed in the Legislative Council on 26 February with amendments to clause 5, 7 and 8. Indeed the amendment to clause 7 was moved by the government. The bill has now been returned to this place with the Council's amendments which deal with the foundation's research function and the process for appointing its members and chairperson.

Under clause 5 one of the functions of the Victoria Law Foundation is to commission research in relation to access to the law and identify the needs of persons who are unable to access or who face barriers to accessing the law effectively. The amendments passed in the other place extend this research function to commissioning research in relation to community and professional education about the law, the legal system and the administration of justice. We certainly believe that that amendment is appropriate.

The government moved an amendment to clause 7 in relation to the appointment of members. The amendments passed in the other place stipulate that the

minister will appoint up to eight members of the foundation, four of whom will be nominated by the chief justice, the Law Institute of Victoria, the Victorian Bar and the Federation of Community Legal Centres. The remaining members will be appointed by the minister having regard to the need for the foundation collectively to have the experience and skills in and knowledge to direct the foundation's business.

We certainly believe that such an amendment will not detract from the original objectives of the Victoria Law Foundation Bill. In relation to the appointment of the chairperson the amendment makes it clear that the nominee of the chief justice will be designated the chairperson of the foundation.

In relation to clause 8, the final amendment confirms that when a member who was a nominee of the nominating body ceases to be a member of the foundation, the minister must as soon as practicable after the member has resigned appoint a new nominee from the relevant body.

So it is certainly the government's view that the proposed amendments do not detract from the objectives of the Victoria Law Foundation Bill, and in the circumstances it is recommended that the Assembly agree to all the amendments that have come down from the other place.

Mr CLARK (Box Hill) — These amendments made by the Legislative Council go some of the way towards meeting concerns raised by the opposition about this bill during the course of debate in the Assembly. In assessing them one is reminded of the old maxim about whether the glass is half full or half empty.

The amendments make some substantial improvements on the bill as it was introduced by the government. They do not go as far as the opposition believes they should go in protecting the independence of the foundation. To deal first of all with the amendment to clause 5, which I was pleased to hear the Attorney-General considers appropriate, this amendment was moved by the opposition to ensure that the powers of the foundation included the powers to commission and disseminate research in relation to community and professional education about the law and the legal system and about the administration of justice.

We believe it important that the bill be amended to ensure that these form part of the functions of the foundation, because they have been part of the worthwhile work that the foundation has done over many years. It seemed to us that if those powers were omitted, the current and prospective future functioning of the foundation would have been adversely curtailed.

The remaining amendments deal with the composition of the board of the foundation including the chairing of the board. The bill as introduced by the government sought to seize control of what to date had been an independent body that had been established in the 1960s at the behest of, among others, former Premier John Cain when he was at the Law Institute of Victoria. It had traditionally been composed of nominees from various sources including from the chief justice, the law institute and the bar council.

The bill as introduced by the government would have replaced that independent board with a board wholly appointed by the Attorney-General. We thought it was highly inappropriate for the reasons that we advanced in this house and debated at length. Our proposal was that out of a board of up to eight, six would have been nominees of the various bodies and two would have been chosen by the Attorney-General. The government, I believe in consultation and after discussion with the Greens, has come forward with what is now embodied in the amendments from the Legislative Council.

The amendments provide for a board that includes four persons nominated by various sources, including one from the Chief Justice of the Supreme Court, one from the Law Institute of Victoria, one nominated by the Victorian Bar and one nominated by the Federation of Community Legal Centres. We are certainly in agreement with the extension of nominating bodies to include the Federation of Community Legal Centres. The other half of the board members can be persons appointed by the minister. That means that if the Attorney-General is being aggressive in his attempts to seize control of the foundation, it could be a board that is divided between nominees on the one hand and the minister's appointments on the other.

Our view is that if the minister were to aggressively pursue an attempt to dominate and control the board, that would lead to a very uncomfortable situation indeed. We would far rather have seen our amendment agreed to, whereby the minister could have nominated up to two out of eight board members. Nonetheless the amendment the government finally conceded to, under threat of what the Council would otherwise do, is an improvement on the bill as it was initially introduced.

Given that position, we believed it was important that at least two further safeguards be included. My colleague in the other place Gordon Rich-Phillips moved those amendments and the Legislative Council agreed to

them. The first specifies that the nominee of the chief justice is to be the chairperson of the foundation to ensure that the chair is independent of ministerial appointment. The other amendment provides that if a nominee member of the foundation resigns, the replacement nominee must be appointed by the minister as soon as possible. That is to ensure that the minister does not leave one of the nominee positions vacant with a view to seizing a majority on the board.

This bill yet again shows the importance of this Parliament as a check and scrutiny on the excessive exercise of power by this government. It would be an abuse of office to turn an independent body, as the foundation has been for many years, into a creature of government. That was certainly something that caused great concern to many who had given years of service to the foundation.

These amendments provide some significant protections for the independence of the foundation, albeit that they do not go as far as the opposition would have liked. In the circumstances and given the position arrived at by the Legislative Council, the opposition accepts these amendments. We hope that, as amended, the bill will provide a basis on which the law foundation can continue its good work for the benefit of the community.

Mr HULLS (Attorney-General) — I thank the honourable member for his contribution and his agreeing to these amendments. However, I have to make a comment in response to his gratuitous, almost throwaway remark in relation to a grab for power by the government. For goodness sake, the original bill was based on an independent review of the Victoria Law Foundation. You can imagine the criticism that would come from the opposition if following an independent review we simply totally threw its recommendations out the window. We would be criticised by the opposition for doing that, yet we are criticised by the opposition for adhering to the report of the independent reviewer.

Nonetheless, Parliament has worked. There have been discussions in the other place. The government moved an amendment, which was accepted. The opposition moved a couple of very minor consequential amendments, which were also accepted. As a result we now all agree that this is an appropriate bill.

Motion agreed to.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Consumer affairs: retirement villages

Mr O'BRIEN (Malvern) — I raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is for the minister to increase the capacity of Consumer Affairs Victoria (CAV) to provide advice on, and enforce, statutory obligations relating to retirement villages. As the shadow Minister for Consumer Affairs, I have had a steady stream of correspondence from residents of retirement villages who are desperate for basic information to assist them in knowing and exercising their rights under the Retirement Villages Act. Unfortunately in a number of cases the level of assistance coming from CAV has been unsatisfactory.

I take as one example a letter I received from a resident of a retirement village. I note that as I have not yet been able to confirm with the lady concerned that she wants her details aired in public, I will not use her name in Parliament. However, the minister has received from this lady a letter in similar terms, and I will provide the minister with the lady's details separately.

Among other concerns, this resident had been unable to ascertain who is the manager of her retirement village. It seems that there had been some confusion expressed at her village as to whether the administrative officer was the manager or whether the developer/owner was the manager.

This lady wrote to CAV on 17 December 2008, seeking assistance with this and other queries. On 10 February 2009 the lady received a reply from CAV that essentially regurgitated the statutory definition of 'manager' under the Retirement Villages Act. This response, while legally correct, was practically useless to the lady concerned. Why could CAV not have picked up the telephone and contacted the village concerned to seek formal advice? Given that village managers must provide CAV with certain information under the act, why did CAV not advise the lady as to who from that village had provided the information?

This is just one example of the frustration that many residents of retirement villages are experiencing in dealing with CAV. Section 100(1) of the Fair Trading Act provides that the functions of the director of CAV include:

(a) to advise persons of their rights and obligations under this Act or a Consumer Act —

I note that the Retirement Villages Act is a consumer act —

(b) to receive complaints from persons and to deal with them in accordance with this Act or a Consumer Act;

Peak bodies such as Residents of Retirement Villages Victoria have been vocal in encouraging CAV and the minister to take a far more active interest in the plight of retirement village residents in Victoria. I take this opportunity to congratulate the RRVV and its president, Howard Campey, on their work.

We all hope that residents, managers and owners can have a harmonious and mutually beneficial relationship. However, we must bear in mind the fact that many residents of retirement villages are in a vulnerable position. They need an active CAV that is responsive to the concerns of residents under the act. Where the law has been broken, residents need CAV to take swift enforcement action. The constant refrain from many retirement village residents is that CAV is just not doing what needs to be done. I call on the minister to act urgently to resolve these issues and to increase the capacity of CAV to provide advice to residents and enforce the act on their behalf.

Housing: Burwood electorate

Mr STENSHOLT (Burwood) — The matter I wish to raise this afternoon is for the attention of the Minister for Housing. The action I seek is for him to attend to urgent maintenance works at public housing in my electorate using funds from the Rudd federal government's $6.4 billion boost to public and community housing.

I know the Brumby government and the Minister for Housing are leading the way in Australia in expanding housing choices for low-income Victorians. I remember in the budget before last the $500 million — it was a record amount in Victoria — to help combat the housing affordability crisis with the building of new public and social housing. We welcome the federal government's $6.4 billion. If we thought $500 million was a lot, $6.4 billion is an absolute boost. We would never have got that from the Liberal federal government, or any Liberal government quite frankly. It is a $6.4 billion boost to public and community housing as part of the $42 billion nation-building and jobs plan.

The minister would be well aware that I appreciate the work that goes on in terms of new construction in my electorate and the planning that is going ahead there now. However, we also need to ensure that existing properties managed by the Office of Housing are in good condition and provide safe and comfortable accommodation to meet the needs of the community.

I am very pleased that $400 million has been provided by the federal government as part of its commitment of $6.4 billion — I cannot say that figure enough, I must admit — for public and community housing. That $400 million will go towards repairs and maintenance works for public and community housing.

I am also very pleased that there is an agreement at the state and federal levels that Victoria will get $49.6 million this year and $49.6 million next financial year for maintenance. According to a recent media release issued by the Honourable Jenny Macklin, the federal Minister for Families, Housing, Community Services and Indigenous Affairs, the aim is to repair 5600 houses.

A number of dwellings in my electorate could really do with a full range of upgrade work, including kitchen upgrades, bathroom upgrades and restumping. A large number of them are also in the midpoint of their life cycle in terms of their condition profile. They could do with some new carpet, vinyl, painting et cetera. I inform the Minister for Housing, who is at the table, that there are quite a lot of such homes. They are in high-demand areas such as Chadstone, Ashwood, Ashburton, Burwood and Box Hill South. I urge him to take immediate action to look after the properties in my electorate, as well as those throughout Victoria, to ensure that they are fixed up.

Aboriginals: student funding

Mrs POWELL (Shepparton) — I raise with the Minister for Aboriginal Affairs a concern about the way funding is provided for Aboriginal students in Victorian schools. The action I seek from the minister, who is at the table, is to review this funding regime and ensure that it is more accessible to Aboriginal students, less cumbersome, less complicated and less politically motivated.

A number of schools have raised with me as shadow Minister for Aboriginal Affairs their frustration with the current system of funding for Aboriginal students. I am advised that funding for Aboriginal student initiatives have existed within numerous federal and state government departments for many years. Last year the Victorian Auditor-General criticised the lack of communication between government departments involved in indigenous affairs and said this needed to be addressed.

I believe there are still some problems, because if a school wants to get enough money to run a special program for Aboriginal students, it needs to complete multiple submissions to obtain even small amounts of funding from the various departments. Schools tell me this is a minefield, as they often do not know where to source the funds and which department or organisation can help them, and they often get the run-around. The schools are concerned that Aboriginal students cannot go on school excursions because of lack of money and thus they miss out on positive experiences.

Schools would like answers to a number of questions. Under the Council of Australian Governments agreement, has the commonwealth money for Aboriginal students been transferred to state governments? If so, which department has the money and how can schools access it? Why is all the money for Aboriginal students not distributed on a per capita basis so that schools can utilise it when needed?

I am told that many of the schools with a significant Aboriginal student population are in economically depressed rural areas and are finding it very difficult to raise funds locally to provide programs to reduce the gap between indigenous and non-indigenous students.

It is important that the current system — which schools tell me is riddled with red tape, unwieldy, overly complicated and immersed in the politics of interdepartmental areas of responsibility — is streamlined for the benefit of Aboriginal students and their families and that it is made easier for schools to put their resources into accessing the funding rather than into finding out which department they need to go to to get that funding. They feel frustrated because they are trying to do the right thing by their students, they are not sure which department to go to and sometimes they miss out on funding. They ask that the system be streamlined so that there is one port of call for schools, and that the person at that port of call can tell them which body or organisation they can receive funds from.

Housing: Forest Hill electorate

Ms MARSHALL (Forest Hill) — I raise a matter for the Minister for Housing. The action I seek is that the minister ensure that measures are taken to ease the housing stress being experienced by many in my electorate of Forest Hill, whether they be home buyers or private renters. Long-term public housing must also be readily available to those who need it.

The poorest 40 per cent of Melbourne households currently expend more than 30 per cent of their income on housing costs. More than 862 000 households in Australia are experiencing housing affordability problems, or housing stress, as it is commonly termed. By the end of October 2008 Victoria had its largest population growth on record, and research has found that demand for housing is outstripping supply, which is creating an unbalanced market. According to the Australian Bureau of Statistics the price of homes has risen by more than 50 per cent in some areas, making it difficult for home buyers to purchase property. In Forest Hill, for instance, where the median household income is under $1000 per week, the prospect of loan repayments of $600 to $1000 a month is daunting.

Housing stress is not an issue for just home buyers. Students attending the Burwood East campus of Deakin University rely on the private rental market in my electorate, which Department of Human Services statistics show is near impossible to break into, with the number of new lettings dropping from 5339 in the March quarter of 2007 to 5313 in the same quarter in 2008. At the start of each university semester I hear firsthand stories of students being forced to return home to live with their parents because they cannot afford the ever-increasing rent. These students are the lucky ones. Others are forced to go from couch to couch in a perpetual state of what can only be deemed homelessness.

As of 31 March 2008, the median rent for the inner eastern Melbourne region of which Forest Hill is part was $320 per week, $30 more than the average Melburnian pays. According to the Department of Human Services the strong upward trend in rental prices — the average rent across Melbourne increased by approximately 12 per cent from March to December 2008 — is likely to continue. As of 31 March 2008, only 5 per cent of rental properties in Forest Hill were affordable for those on Centrelink incomes. Public housing is the only feasible option for many of my constituents. The most recent figures from the Department of Human Services confirm that in the eastern metropolitan area, which encompasses Forest Hill, there are over 4000 applicants on the public housing waiting lists. Increasing rental prices will only increase this figure.

The issue of affordable housing is not new. In fact the Labor government's Melbourne 2030 development policy was designed in part to increase density and consequently tenancies within metropolitan areas. For the electorate of Forest Hill, it is hoped that in the long term buying a home and private rental will become an option for more people through an increase in housing supply. The Brumby government is working with the federal government through the national rental

affordability scheme. To help ensure that public housing is an option for those who need it, as part of the federal government's $42 billion nation building package, the government has secured funding for 5000 public housing units. The current housing situation in Forest Hill presents to many as merely a problem, while for others it manifests itself as a crisis.

Water: savings incentives

Mr HODGETT (Kilsyth) — I raise on behalf of all Victorians, particularly those who have heeded the government's advice and stick to using the recommended 155 litres per day, a matter for the attention of the Minister for Water. I call on the minister to introduce a reasonable fee scheme for water bills which would encourage those who prudently save water, rather than slugging them with massive fees, which discourages them from saving water.

I assume the minister is aware of the current financial situation facing all Victorians. This is why I was astounded to discover that water prices could double by 2012 as Melbourne Water increases its service charges. To say that this comes at the wrong time for Victorians is an understatement. While across the state households are counting every cent, the Minister for Water is looking on as Victorians are slugged exorbitant fees for one of our most basic services.

The *Herald Sun* reported on 6 March that this increase in fees will lead to more than 21 000 households applying for hardship grants to cover these costs. However, the most ludicrous part is the structure of the fees. The low water usage costs and high fees means that there is basically no reward for Victorians who save their water. To put this in perspective, in 2012 if a person were to use the recommended 155 litres per day, they would use 56.5 kilolitres over a year. Under the current fee structure this would translate to $57.60 in actual water charges.

That sounds pretty good until you add over $1000 in fees and service charges. Even using double the accepted amount of water would increase the bill by less than 5 per cent, which is why it is not hard to see why many residents are not feeling overly encouraged to save water. Where are these extra fees going?

The thing that really gets me is hearing about such people as Jean Cook, a constituent, who scrimps and saves every drop of water but then gets slugged with huge water bills because her water company has issued her with an incorrect bill. Mrs Cook follows all the guidelines to save water, even forgoing watering her garden, only to find a water bill which suggests that she uses 515 litres per day when she actually uses around 100 litres.

Yarra Valley Water admitted a mistake had been made and has issued Mrs Cook with a new bill, but to how many other pensioners and households around Victoria is this happening? How many people are being overcharged for water because of mistakes made by the water companies? Mrs Cook noticed the error because she keeps track of her usage as part of her strict water-saving techniques, but how many others are that careful?

I wonder how many people could quote their water usage levels offhand? Mistakes of this type cannot afford to be made. The Brumby government has repeatedly shown that it is incapable of getting basic services right, and it seems water is clearly no exception. Victorians should be entitled to the basic service of affordable water and should be able to trust that the government is charging them a reasonable amount, and at the very least charging them for water that they actually use.

Again I call on the Minister for Water to introduce a reasonable fee scheme for water bills which encourages those who prudently save water rather than slugging them with massive fees, which discourages them from saving water.

Consumer affairs: telephone contracts

Mr SCOTT (Preston) — I raise a matter for the attention of the Minister for Consumer Affairs. The matter relates to verbal contracts entered into over the telephone. The action I seek is that information be provided to elderly and disadvantaged members of the community regarding the dangers of entering into contractual arrangements over the telephone.

My office was contacted by an elderly constituent regarding a service they had procured after a telephone conversation with the representative of a company in question. It appeared the constituent was not aware of the contractual obligations they had entered into. I understand they made a verbal agreement during a telephone conversation. The constituent was certain that because they had not signed anything, they did not have a contract.

They soon tired of the service in question and asked for it to be discontinued. The service was duly discontinued, but my constituent incurred a significant break-of-contract fee. They were upset at being charged a fee for breaking a contract for a service from which they had benefited for only a few days. They believed

they were participating in a one-month free trial and had not entered into a contract with the provider.

The constituent is over 80 years of age, hard of hearing and easily confused. They live in public housing and their only income is a Centrelink pension. It is quite clear to me that the constituent did not understand they were entering into a contractual arrangement when they discussed the matter over the telephone. In the end the company refunded the money, so my complaint is not with the company itself, but I fear that other elderly constituents would not be so forceful in fighting for a refund, and many would not be aware that a simple telephone conversation can be used by a private company to create a contractual arrangement involving significant costs for breaking the contract.

I urge the minister to ensure that disadvantaged constituents are aware of their rights and responsibilities and the dangers of agreeing to contractual arrangements over the telephone.

Monash Medical Centre: patient discharge procedures

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Health. I express concern on behalf of a constituent, Mr David St George, regarding the way a friend of his was discharged from Monash hospital, Clayton, on 29 January. Mr St George wrote:

> … I feel that it was inappropriate that he was discharged on this day due to the following reasons:
>
> 1. the temperature was 43°C;
>
> 2. he is 83 years old and recovering from a heart attack;
>
> 3. he has no-one to care for him at home.
>
> I picked Mr Sinclair up from the hospital at 2.30 p.m. and took him home. When we arrived at his address he was only able to walk 10 to 15 metres and was in severe distress. After a rest of 5 to 10 minutes in the shade he was able to get to his unit but was still in distress. I found this to be appalling and inhumane to allow a person of his age and his condition to be discharged from hospital without any support at all.
>
> I am unable to care for him as I have a disabled wife who has cerebral palsy and a heart condition herself. I have had a stroke and also found it difficult to cope in the heat. The other friend of Mr Sinclair is also unable to care for him as he has cerebral palsy, bipolar disorder and MS. I find this to be irresponsible and dangerous to the health and wellbeing of Mr Sinclair.
>
> Also for your information he was readmitted to Sandringham Hospital 13 hours later in acute distress. Also Mr Sinclair had no way of getting food or being able to shop for food. I was able to get him some bread and milk but that was all that he had at home. Had I not put a telephone beside his bed, I would suggest that he would now be laying on his bed dead.

Mr St George has also contacted the health minister and the Premier, as well as other people in relation to this serious matter that concerned him.

I request that the Minister for Health review the processes applied in this case, as noted in the letter from David St George regarding his friend Mr Sinclair, and to ensure that this circumstance does not happen again. I ask that, at a time when temperatures may be increasing, no-one in Mr Sinclair's condition be discharged from hospital with no means of getting food. But for the placement of a telephone beside his bed, in the opinion of his friend, Mr Sinclair would now be laying on his bed, dead.

Northern Saints Football Club: funding

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. I ask him to take action to support a $60 000 funding action on behalf of Northern Saints Football Club under the Community Facilities Funding Program for minor facilities. The funding this club has requested will be used to build an undercover viewing area at Mutton Reserve, Fawkner. The pavilion is currently used by three different cricket clubs as well as other community groups, including senior citizens groups. The Northern Saints Football Club is a young football club, having recently been formed by the merger of two long-established clubs — North Coburg Saints Football Club and the Fawkner Park Football Club.

It has quickly grown to cater for 11 teams from different age groups, and it runs two Auskick sessions. The club is one of only six teams to apply to have a second under-18s team, and that is with 23 other clubs in the competition. It has made applications to other football leagues to field further senior teams to cater for the demands of members and players. Additionally the club has had encouraging patronage from women and families who would like to participate in the club's activities in comfortable surroundings, especially in winter. I can testify to the encouragement club members give to women and families to participate in the club. It is a very friendly environment in which to spend a pleasant couple of hours on a weekend. The Northern Saints Football Club is the only football club on the east side of Sydney Road between communities in Coburg and North Campbellfield.

I also want to highlight the fact that this club enjoys record participation by children, and with its ever-changing local community demographic it has

managed to have strong interest from seniors, from women and from a healthy number of minority ethnic and religious groups. The club is really proud of this diversity, as it embodies what the club is about. It is not just about football; it is about community building.

The Northern Saints Football Club is a wonderful club, and I strongly support its application. Any future plans for that facility will be of great benefit to the local community, not only for sport and recreation but for many community endeavours.

Police: Brimbank

Mr McINTOSH (Kew) — I have a matter that I wish to raise with the Minister for Police and Emergency Services. The matter I wish to raise is the rising tide of violence and the lack of police to deal with it in many suburbs of Melbourne, but specifically in the city of Brimbank. The reason I particularly mention Brimbank this evening is that I note there is to be a community protest tomorrow evening at the Sunshine station bus interchange against the chronic shortage of police in Brimbank. I intend to attend that protest meeting, and I would be happy to go with the minister if he cares to attend. However, the action I seek from the minister tonight is to urgently increase the police numbers in Brimbank, which is desperately short of police.

As we know, Labor spends the least amount of money on police per head of population of any state in Australia. We also know that under Labor we have the lowest number of police per head of population anywhere in Australia. Violent crimes against the person such as assault, sexual assault, rape, homicide, robbery and kidnapping have skyrocketed, and our communities have been suffering from these chronic problems since the election of this Labor government We also know from the report released yesterday by the Ombudsman that many of these crimes, particularly assaults, have been chronically underreported. Therefore the problem seems to be far worse than even demonstrated by police statistics.

The people of Brimbank should not have to accept that their community is not a safe place to live. We all know that the violence is not restricted to Brimbank. Despite media reports and the Premier's concentration on the CBD (central business district), up to 25 metropolitan local government areas recorded increases in assault, sexual assault and rape above those for the CBD — for example, the increase in violent crime in Boroondara, where I live, is also above that for the CBD.

Police officers in Keilor Downs, Sunshine, Altona and Laverton stations have been forced to combat increases in violent crime such as property crime, which is up 13.5 per cent in the last 12 months. Robbery is up 19.1 per cent, and overall crime is up 8.6 per cent. We can read harrowing stories of people in that area who have been affected by the violent crime they have to put up with.

Documents obtained under freedom of information also reveal that there are significant absences in police stations in the Brimbank area, and the opposition has estimated from the release of those rosters that one-third of police officers are missing from the front line. The minister must move immediately to provide adequate police resources for Brimbank to ensure people in that area are safe from violent criminals.

Ambulance services: Kinglake

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Health. The action I seek is for him to ensure that Ambulance Victoria closely monitor the workload in the Kinglake area following the tragic bushfires of Black Saturday. As I have previously said in this house, our paramedics have done a sterling job in supporting all bushfire-affected communities. I commend Ambulance Victoria for increasing the number of crews and the hours at our wonderful new ambulance station at Whittlesea and indeed for setting up the field units at Kinglake and Kinglake West.

I also want to put on record again my profound admiration for the fantastic volunteers of the Kinglake CERT (community emergency response team), the angels in green. Both the member for Seymour and I have been contacted by members of the CERT, who stressed the need for the retention of ambulance services in Kinglake for the foreseeable future.

The members of the CERT, like the whole Kinglake community, have been deeply affected by the fires, with some having lost loved ones and homes, and all in fact having lost friends. Due to those circumstances many are living off the mountain temporarily and consequently at this time the team is unable to fully fill its roster. Unlike the Country Fire Authority volunteers, who by and large can now take a well-earned rest at the end of the fire season, there is a likelihood that the workload of the CERT will go up. It is a sad likelihood that acute and emergency health needs will increase during the reconstruction and recovery process following the fires. Accidents, alcohol-related issues and acute mental health presentations are particularly

likely to be a problem in coming months and over the winter period.

I understand that Ambulance Victoria is meeting with the CERT next week. I urge the minister to have discussions with Ambulance Victoria following that meeting to ensure that it keeps a very close eye on the workload and needs of emergency response ambulance services in the Kinglake area.

Responses

Mr WYNNE (Minister for Housing) — I rise to respond, firstly, to the matter raised by the member for Burwood, who has sought support from the government for much-needed maintenance, upgrades and repairs to public and social housing, specifically within his area but more generally throughout Victoria.

As the house will be aware, as part of the broader stimulus package of the Rudd government, $400 million has been earmarked for maintenance and repair work to be undertaken in two tranches over the next 18 months. In that respect this is a very welcome initiative by the federal government. It provides an excellent opportunity for the government to act to improve both the quality of public housing and the safety and comfort of our public housing tenants. More specifically, a part of those funds will be used to upgrade freestanding public housing dwellings that are in urgent need of maintenance. I know from the many conversations I have had with the member for Burwood that that is typical of the type of public housing accommodation in his electorate.

Two types of freestanding dwellings will benefit from maintenance repairs. The first are old dwellings that are currently in a run-down state. On those properties we would complete a full range of major upgrades to bring them up to contemporary standards. Bringing forward the upgrade of properties that have been waiting for maintenance repairs will also have an immediate impact on relieving the waiting list of public housing tenants. We will also use the funds to complete small-scale upgrades to freestanding properties — work of a less-intensive nature, such as carpeting and painting. This will obviously have the immediate effect of making tenants more comfortable and secure in their dwellings.

In the longer term we would argue that this is an excellent investment by the commonwealth, because it not only upgrades the properties but enhances the life of those properties going forward, particularly with the more significant upgrades, for potentially 10 to 15 years. In selecting properties for maintenance upgrades we will prioritise ministry of housing dwellings located in areas where tenants obviously have access to jobs, public transport and community facilities consistent with the broader framework of the Melbourne 2030 planning strategy, many of which are in the electorate of the member for Burwood.

That does not preclude many opportunities we have to be active right across the state with this maintenance program, and in my answer to the request of the member for Forest Hill I will indicate how the government will be active across the state, particularly in many regional centres, where we have done a fantastic amount of work. I refer to Shepparton as a very good example, along with Mildura and other major conurbations of public housing in Ballarat, Bendigo and so forth. We intend to spread these funds widely across regional and country Victoria as well as across metropolitan Melbourne, because as many members of the house will recall, one-third of our public housing stock is in regional Victoria. We want to make sure that regional Victoria gets its fair cut of that money and that the maintenance dollars and the very significant amount that has been provided by the Rudd government for the new build will be shared equally across the state.

In broad terms, in metropolitan Melbourne the Melbourne 2030 strategy must and should be the appropriate planning framework through which the government responds. The member for Burwood, through his advocacy, quite rightly pointed to the great opportunities we have and to where we are already active in his electorate. The scope of the works that will be funded from the maintenance programs are now being finalised, and we expect announcements of specific projects to be ticked off with the commonwealth in the next short while. At this point what we can say is that all aspects of the social housing portfolio will benefit, including public and community housing. That is important, because we are keen to ensure that the housing association sector gets a fair share of these funds. We believe that boosting the not-for-profit sector is an important part of our broader housing strategy going forward.

I welcome the matter raised by the member for Burwood and can assure him and the house more generally that these funds will be flowing very quickly once we get sign-off from the commonwealth, firstly, in relation to the maintenance budget.

The matter raised by the member for Forest Hill referred to the broader question of how the government seeks to go forward in the provision of public and social housing and private rental accommodation. The

member referred to her electorate, but the private rental market is widely recognised as quite a difficult situation, and members from across the chamber will be well aware of the very tight private rental market we have had for the last 12 to 18 months. It has slightly eased over the last couple of quarters, but nonetheless the vacancy rate is in the order of about 1.2 per cent, which is still extremely tight, and access to private rental accommodation is more difficult the closer you get to the city.

In that context the announcement by the Rudd government of the national rental affordability scheme (NRAS) is an important initiative, because as members of the house will be aware, this is a joint commonwealth-state scheme where the commonwealth government puts in a $6000 subsidy per year and the state puts in a $2000 subsidy per year. Under that scheme a rental product must, firstly, be newly built and then be put into the private rental market for a period of 10 years. During that time the subsidy will attend the property and the rent for that property will go to the investor as well.

This is a relatively new initiative of the Rudd government, and we are enthusiastic supporters of it because we think it is going to make a significant difference going forward over the out years. We expect over time that this potential investment opportunity will be taken up more vigorously by private sector investors, both individually and in the broader sense of superannuation funds and large investment houses. Over the out years our ambition is to be in a position where we could expect to attract in the order of 10 000 of these national rental affordable houses into the market, which will make an enormous difference to the private rental market going forward.

The second aspect which I need to address in relation to the contribution by the member for Forest Hill was also touched on by the member for Burwood, and it concerns the extraordinary amount of money that has been provided to Victoria by the commonwealth government for the provision and construction of public and social housing.

Mr Stensholt interjected.

Mr WYNNE — In the order of $1.5 billion will be coming to Victoria over the next couple of years and we have, not surprisingly, signed onto this with alacrity. I have to say there could be no greater time to be the Minister for Housing than now. As the member for Burwood indicated, it comes off the back of the Brumby government's record investment of over $500 million in public and social housing, which is the biggest ever investment by a state government. This is a fantastic opportunity for us going forward, and we intend to ensure that the whole of the state benefits from this massive investment in public and social housing.

We are yet to resolve what the split will be between public housing and the not-for-profit housing association sector, but we will be making those decisions in the near future in consultation and with the agreement of the commonwealth government. I have to say, though, that this is truly a once-in-a-generation opportunity for the state to make a fundamental difference to the lives of people who the members for Burwood and Forest Hill and I — and indeed members across the chamber — care about very deeply, and to ensure the provision of long-term stable and affordable accommodation for public and social housing residents. This is a tremendous opportunity for us going forward.

I noted there were some rather jarring comments made on behalf of the federal shadow minister for housing in the *Australian Financial Review* yesterday, and I quote:

> Opposition housing spokesman Scott Morrison said the social housing measures provided little by way of economic stimulus. 'It's effectively a social agenda dressed up as an economic stimulus,' he said. 'It will never happen in time'.

I would have thought that if that was the best the federal shadow minister for housing — —

Mr Stensholt — What bill was that?

Mr WYNNE — It was a contribution to general debate. It is a pretty sad indictment of housing policy more generally from the Liberal Party. I was in consultations today with the Master Builders Association. It is delighted with both the maintenance package that we are bringing forward and the massive injection of funds into the housing sector. In that respect I would have to say that this package has overwhelmingly been supported. As members of the house would know, this fiscal stimulus is going to put jobs on the ground immediately. Anybody who understands housing and the housing sector knows this is a really fast stimulus that will provide a huge boost to the housing sector, and the flow-on effects to suppliers will also be significant. It is tightly targeted, provides significant economic and job outcomes and flow-on effects to other suppliers to the housing industry. That is a big win for people who are interested in housing. The economics of this are incredibly sound and well targeted.

I welcome the initiatives of the members for Forest Hill and Burwood, and I very much look forward to being in

a position to provide more detail in the next few weeks on both the maintenance budget and the broader stimulus package once we have reached final agreement with the commonwealth government on those matters.

The third matter raised with me was from the member for Shepparton. It relates to issues around access for young Aboriginal students to a broader range of supports to ensure that their pathway through education is aimed at achieving the best outcomes. One of the key initiatives of Closing the Gap, which was signed off by both sides of this house in a bipartisan way, was to keep young Aboriginal children engaged in education. That is seen as absolutely fundamental to both keeping them engaged and also getting them through to year 12, because once they get through to year 12 the outcomes are infinitely better as they go forward. I think there are significant challenges around that.

As members of the house would know, including the member for Shepparton, the Wannik education strategy is about having a casework approach to working with young Aboriginal people, particularly through the development of an individual learning plan for each student and, most importantly, the provision of mentoring programs to support students at the higher levels of their education. Students will often get through to years 6, 7 and 8, look around and say, 'What are the options for me going forward?'.

I have had discussions with many members of the Aboriginal community in Shepparton who would be very well known to the member for Shepparton. One of the key things is to be able to demonstrate to students that there is a pathway going forward and that not only is education important but that you can see outcomes for young Aboriginal people, particularly in some of those larger areas of Aboriginal population in Shepparton, Mildura, Robinvale, the Latrobe Valley, Gippsland and various other places. In that context the Wannik strategy is very important.

As the member for Shepparton would know, the second initiative is the Shepparton Partnership, which is a collaborative arrangement between the Shepparton Aboriginal community and the commonwealth, state and local governments. Essentially it is about improving the outcomes for the Aboriginal community more generally. In that context key mentors and leaders such as Paul Briggs, the Rumbalara Aboriginal Cooperative and that sort of organisation perform some of the gatekeeper role that the member has sought my advice and support for. I think it is a really interesting model. As the member knows, the Academy of Sport and Education, which is an offshoot from Rumbalara, is not only about seeking to retain a number of these young Aboriginal students in full-time education but also looking for opportunities for them to develop their sporting and social outcomes.

More generally the approach the government is taking seeks a more holistic but localised approach; that is the way to deal with this. While having a single gateway is attractive in a systemic sense, it really has to be done at a local level, and the schools are absolutely fundamental to that. What can come from an individual learning program and plan for each of the students is the extra resourcing that may be needed to support a particular student with a particular set of needs or a student who is excelling with a particular set of opportunities as well. The Wannik strategy is fundamental to achieving the sorts of outcomes that I know the member for Shepparton and I are seeking.

Education is the absolute cornerstone for those young people, and that is why we want to do this within a context which is also a community context. We understand that if you are going to achieve outcomes and partnerships for Aboriginal people, you have to do it in a partnership way and in a way that brings the community along with you. Many of the very powerful outcomes we have had, not just from Rumbalara but from a range of other excellent community organisations across the state, form the pathway forward. If Wannik underpins that through the education system, the sorts of outcomes the member for Shepparton is seeking will be achieved. I thank her for her interest in that area.

I will sum up by saying that the member for Malvern raised with me a matter for the Minister for Consumer Affairs seeking further enforcement action and advice from Consumer Affairs Victoria in relation to retirement villages. I will make sure the minister is made aware of that.

The member for Kilsyth raised a matter seeking an incentive program through the billing process to reward consumers who are more efficient users of water. I will make sure the Minister for Water is aware of that.

The member for Preston raised a matter for the Minister for Consumer Affairs seeking a clarion call for people who get themselves caught in verbal contracts made on the telephone. That is a particular bugbear for the many people who get themselves caught in such situations.

The member for Sandringham raised a matter for the Minister for Health which relates to the discharge from hospital of a Mr Sinclair and correspondence from a Mr St George about what he regards as an inappropriate

discharge of Mr Sinclair on, I think, the Saturday of the fires. I am not sure what day it was, but that matter will be taken up.

An honourable member interjected.

Mr WYNNE — Sorry, on a very hot day in January.

The member for Pascoe Vale raised a matter for the attention of the Minister for Sport, Recreation and Youth Affairs seeking support for a $60 000 grant for the Northern Saints Football Club. I will make sure the minister is aware of that.

The member for Kew raised a matter for the Minister for Police and Emergency Services seeking his advocacy for increased police numbers in the Brimbank municipality. I will make sure that the minister is aware of that request.

Finally, my colleague the member for Yan Yean raised a matter for the Minister for Health seeking his support for Ambulance Victoria community emergency response teams in the Kinglake area, which of course is in the fire area, and the retention of those much-needed supports on an ongoing basis.

The SPEAKER — Order! The house is now adjourned.

House adjourned 5.44 p.m. until Tuesday, 31 March.