PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 25 June 2009

(Extract from book 8)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer, Minister for Information and Communication Technology, and Minister for Financial Services	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Industry and Trade, and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg 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 Dalla-Riva, Ms Huppert. Ms Pennicuik and Mr Rich-Phillips.

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Batchelor, Mr Peter John	Thomastown	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [5]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter [2]	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [6]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

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

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THURSDAY, 25 JUNE 2009

Thursday, 25 June 2009

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 5, 6, 99 to 111, 169, and 208 to 222 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminates against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and calls on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

By Dr SYKES (Benalla) (150 signatures), Mr DELAHUNTY (Lowan) (382 signatures), and Mr CRISP (Mildura) (246 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal by the federal government to change the youth allowance independence test and also to change the living away from home allowance.

The petitioners register their opposition on the basis that the changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposed changes to both allowances and calls on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

By Mr JASPER (Murray Valley) (79 signatures).

Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services.

By Dr SYKES (Benalla) (2 signatures).

Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding, not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services as is the case in other states of Australia.

By Dr SYKES (Benalla) (7 signatures).

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 — Options Paper* published by the Scrutiny of Acts and Regulations Committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values. In particular we would like to retain the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow

freedom of choice in regards to faith-based schools in particular must be avoided.

By Mr BLACKWOOD (Narracan) (14 signatures) and Mr TILLEY (Benambra) (13 signatures).

Police: Hastings

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw the attention of the house to moves to downgrade the 24-hour Hastings police station to a 16-hour station; closing at night between 11.00 p.m. and 7.00 a.m. daily.

We the undersigned concerned citizens of Victoria therefore request the Legislative Assembly of Victoria to request the state government to immediately return the Hastings police station to 24-hour status, in the interest of community safety.

By Mr BURGESS (Hastings) (559 signatures).

Rail: Mildura line

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

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

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

1. the many undelivered promises;

2. the urgent need to promote public transport in a global warming context;

3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and

4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (207 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).

Princes Freeway–Sand Road, Longwarry: upgrade

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Gippsland draws to the attention of the house the concern felt by road users of the Princes Freeway between Bunyip and Drouin and the existing interchange at Sand Road, Longwarry.

In particular, concern surrounds the poor development of the Sand Road intersection that connects to the Princes Freeway and the manner in which road users are forced to enter and exit the freeway from a 90-degree turn and cross for alternate direction travel along the freeway with unsafe oncoming traffic.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action in upgrading the intersection to incorporate slipway and flyover access onto the freeway is developed so that traffic is able to merge at freeway speed.

By Mr BLACKWOOD (Narracan) (490 signatures).

Ombudsman: powers

To the Legislative Assembly of Victoria:

The petition of Mr Hugh Doherty, resident of the Oakleigh electorate in Victoria, draws to the attention of the house:

The Victorian public are being misinformed by the Victorian state Ombudsman, Mr George Brouwer, in regard to his claim that 'I am able to independently investigate, review and resolve complaints concerning the administrative actions of:', he then lists a number of government/private entities under his jurisdiction.

The covert practices and processes of the Victorian Ombudsman's office are totally unacceptable, there is no transparency or accountability. Decisions are made behind closed doors and are often made without any inquiries or investigations being conducted. The Ombudsman's office will simply decide not to make any inquiries or investigations into a serious complaint, regardless of the amount of indisputable documented evidence presented by the complainant to the Ombudsman's office. As there are no disciplinary or penalty provisions in place in the Freedom of Information Act 1982 for breaches and non-compliance of the act by agencies and the Ombudsman and officers of the Ombudsman are protected under section 29 of the Ombudsman Act 1973 from 'any civil or criminal proceedings' also section 29A, 'Exemption from Freedom of Information Act 1982', this amounts to an abuse of power.

Public servants are a law unto themselves and do as they please without fear, this is indefensible. Mr Brouwer states, 'We will provide an independent, impartial and effective complaints management system'. Contrary to this, the Ombudsman's office made available to all Victorian public sector bodies a manual titled, 'Unreasonable Complainant

Conduct: interim practice manual', which the New South Wales Ombudsman's office claims credit as the source of the material. This manual is a very seriously damning document, in which, step by step and word by word instructs and coaches public servants in how to treat and respond to complainants (in a dictatorial, domineering and discrediting manner). This practice often results in a complainant, who is justifiably exercising his/her democratic right in making a legitimate complaint, being labelled an unreasonable or vexatious complainant further resulting in the complainant receiving a letter stating, 'I do not believe, therefore, that this office can be of any further assistance to you and this matter will be concluded and further correspondence on these issues will be noted but not responded to'. This is the most contemptible practice in order to evade scrutiny.

Mr Brouwer also states, 'In 2008 I commenced a program of monthly workshops for public sector agencies. At these sessions public sector agencies are introduced to my *Good Practice Guide* and unreasonable complainant conduct manual. They have been well attended and I intend to continue to provide guidance through similar workshops in 2008–09'. This clearly supports that the Ombudsman's office lacks the ability to independently investigate, review and resolve complaints and it seriously questions its impartiality, integrity, effectiveness and credibility.

It is absolutely incompatible and totally unacceptable for the Ombudsman's office to be both the adviser to public servants and adjudicator of complaints made against them, this constitutes a serious conflict of interest. It is also an unacceptable denial of due process of natural justice that cannot be tolerated under any circumstances.

I therefore request that the Legislative Assembly of Victoria review and amend both the Ombudsman Act 1973 and the Freedom of Information Act 1982 in order to hold both offices fully accountable, open, transparent and fair in their dealings with the public, in line with the Labor government's commitment of open, transparent and fair government and revoke Section 29 of the Ombudsman Act 1973 (Protection of the Ombudsman and Officers of the Ombudsman) and section 29A (Exemption from Freedom of Information Act 1982). Also establish mandatory disciplinary action and penalty provisions for breaches and non-compliance of the Freedom of Information Act 1982.

By Ms BARKER (Oakleigh) (1 signature).

Torquay Foreshore Caravan Park: upgrade

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the introduction of changes to the Torquay Foreshore Caravan Park, on Crown land, by the Great Ocean Road Coast Committee, appointed by the Minister for Environment and Climate Change, that will:

place an unfair financial and emotional burden on campers at Torquay;

change forever the nature and character of this surf coast foreshore reserve; and

be inconsistent with the Victorian government's 'Caravan and Camping Parks on Coastal Crown Land Reference Group Report' May 2006.

The petitioners therefore request that the Legislative Assembly of Victoria ask the Minister for Environment and Climate Change to:

preserve the existing ratio of sites allocated to 12-month permit holders, seasonal permit holders, casual permit holders and on-site cabins;

introduce a formal and transparent waiting list for 12-month permit holders, seasonal permit holders, casual permit holders and on-site cabins;

introduce a mechanism to allow the sale of on-site caravans;

introduce a fee structure that is transparent and is set at a multiplier of the average general council rates paid in Surf Coast Shire (currently at 3.5 times the 2008 rates for twelve month permit holders, and 1.8 times for seasonal permit holders); and

restrict the introduction of any ballot system to apply to only new applications for camp site permits so that the ballot system does not apply to existing campers registered for the 2008–09 season.

By Mr MULDER (Polwarth) (1876 signatures).

Tabled.

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

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

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

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

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

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

PLANNING: MINISTERIAL INTERVENTION

Statement 2008–09

Mr BATCHELOR (Minister for Community Development), by leave, presented statement on

ministerial intervention in planning matters, May 2008 to April 2009.

Tabled.

VICTORIAN CHILD DEATH REVIEW COMMITTEE

Report 2009

Ms NEVILLE (Minister for Community Services), by leave, presented report.

Tabled.

DOCUMENT

Tabled by Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 31 March 2009 and 24 June 2009 — Ordered to be printed.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 28 July 2009.

Motion agreed to.

MEMBERS STATEMENTS

Mulgrave electorate: infrastructure

Mr ANDREWS (Minister for Health) — Three important local projects are currently under way in Mulgrave. Each will provide real and clear benefits to families in the local community. Firstly, works are well under way on the $5.9 million redevelopment of Wellington Secondary College in Mulgrave. It is a great local school and it will be just that little bit better once these works are completed. The redevelopment will mean new classrooms, and better and improved facilities for students. I congratulate all those involved in this important project. They should be proud of their ongoing efforts.

On another matter, work has begun on the reconnection of Heatherton Road and the Princes Highway in Noble Park. This important link will be of particular benefit to local motorists and also to those travelling on foot. The reconnection is only possible because of strong support from the state government following the EastLink works.

On yet another matter, the construction of new noise walls has commenced in Wheelers Hills. I visited the site recently. Importantly, this higher fencing on sections of the inbound and outbound lanes of the Monash Freeway between Springvale Road and Wellington Road is welcomed by and has been sought by local residents for many years and will undoubtedly improve amenity.

These projects are clear examples of the Brumby government's practical support for the services and facilities that are important to my local community and indeed they are important for local jobs. On that basis I have been pleased to support these projects, and I will continue to do so.

Attorney-General: justices of the peace

Mr CLARK (Box Hill) — Last week the Attorney-General suggested in a media release and in media interviews that the government might attempt to abolish the office of justice of the peace. To abolish the office of JP would lose the community untold hours of valuable community service and impose substantial time-consuming obligations on many public sector employees, including the police force. Since 2004, JPs are estimated to have signed around 1.2 million documents in locations around the state, including police stations, courts and hospitals.

JPs provide a service at around 40 police stations across Victoria, where they attend on a rostered basis to witness documents. JPs can be in attendance at a police station all day and at no cost to the community to witness documents and provide related assistance. The Attorney-General might not care that if he abolishes JPs serving police officers will be tied up witnessing these documents.

However, I can assure the Attorney-General that almost unanimously the public of Victoria would rather have their police out on the street catching criminals and keeping the community safe than being stuck behind counters at police stations, witnessing documents. It is no answer to say that there are other professionals who are authorised to witness documents. Other professionals are not necessarily available when and where the public need them. Other professionals can easily decline to witness documents if it does not suit them. Other professionals are certainly not likely to

spend a day behind a table at a local police station, witnessing documents.

It is disgraceful that the Attorney-General is suggesting he might scrap this office and reject the voluntary contribution of several thousand dedicated Victorians because of his own failures — —

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

Australian Defence Force: reservists

Mr ROBINSON (Minister for Gaming) — Last night I was pleased to join the Premier, the Governor, the Leader of the Opposition and many people from our defence forces at a reception hosted by the Defence Reserve Support Council in Melbourne. The purpose of the reception was to acknowledge the outstanding contribution made not just by reservists in our army, navy and air force but more importantly the contribution made by their employers. In its letter of invitation to the event the council notes:

> Their commitment and involvement meant that several hundred civilian employers were required to release their reservist employees at short notice to support the ADF contribution.

In recent times this contribution was made to the recovery exercise following the devastating bushfires of 7 February. I put on record my appreciation of all that our employers do in supporting the valuable work of reservists.

I also acknowledge that currently a substantial number of Victorians are rendering valuable service in the Solomon Islands as part of the defence force's regional assistance mission to the Solomon Islands. The mission is largely made up of members of the 8th/7th battalion, which is known as country Victoria's own battalion and draws its strength from country areas right across the state.

Swan Hill District Hospital: asset valuation

Mr WALSH (Swan Hill) — I express my grave concern at the inability of the Minister for Health and his department to manage the country health system. Last September, Swan Hill District Hospital was told by the Department of Human Services that the department would centrally manage the 2008–09 asset valuation program. DHS said it would be a more efficient allocation of resources and economies of scale would be expected, and that it would reduce costs of valuation services to participating entities.

In December Swan Hill hospital was told by the valuer-general's office that CB Richard Ellis had been appointed at a cost to the hospital of $48 200 exclusive of GST. Two years ago the cost to Swan Hill hospital for the same valuation was $6500; that is a 642 per cent increase in the fees to do the valuations for Swan Hill hospital. It is important to remember that the hospital was told that centralised valuations managed by DHS would be more efficient, there would be economies of scale and, more significantly, there would be reduced costs. The hospital will receive no extra money from DHS to pay this increased fee; it has to come out of the hospital budget. So there has been a 642 per cent increase in the fees to the hospital brought about by an incompetent minister and a most definitely incompetent department.

Hughesdale Primary School: achievements

Ms BARKER (Oakleigh) — I was very pleased to be at Hughesdale Primary School on Monday, 15 June, with the Minister for Sport, Recreation and Youth Affairs and to be a part of the announcement that the school will receive $90 000 through the Victorian government's Commonwealth Games legacy program to assist with the installation of a new synthetic surface at the school to ensure that sport can be enjoyed all year round by the students and the local community. A walking track will also be installed around the school to provide more opportunities for students and the community to participate in healthy exercise.

Hughesdale Primary School is a fantastic primary school in my electorate. Under the excellent leadership of principal Craig Tanner it has good staff and a great school community who work particularly hard to ensure that the school is very well cared for. On the Saturday night prior to visiting the school with the minister, I had attended a trivia night for the school at the Oakleigh Mechanics Institute building. The hall was absolutely packed, and a great night of trivia and auctions resulted in $5100 being raised for the school.

As with any function there is a great deal of organising to do, and particular thanks go to Susan Faure and Kelly Fierenzi along with their great team of helpers. Thanks also go to the masters of ceremonies for the evening, Jason Fierenzi and Phil Webster, who did a great job, particularly with the auction of the class baskets. Each class had donated goods within a theme such as chocolate, art and craft, gourmet or Italian, and the resulting baskets were eagerly bid for by those attending the trivia night.

Hughesdale Primary School has always had strong leadership and a very involved and dedicated school

community. It was threatened with closure by the Kennett government, but the community fought that decision. The 400 students who will attend Hughesdale Primary School next year and I are very glad that they won that fight.

John Delzoppo

Mr BLACKWOOD (Narracan) — I wish to take this opportunity to acknowledge an honour bestowed on a former Speaker of this house in the Queen's Birthday honours this year. The Honourable John Delzoppo served as the member for Narracan for 14 years between 1982 and 1996. John served the 31st Legislative Assembly as Speaker between 1992 and 1996. During his 14 years in the Legislative Assembly he also held the shadow portfolios of transport, local government, water resources, and property and services.

John has an extensive record of involvement in local government serving as a shire councillor with the former Buln Buln Shire for 20 years. He was shire president for three of those years and a delegate to the Municipal Association of Victoria for four years, and he was made an honorary freeman of Buln Buln Shire in 1994. John has an amazing history of community involvement through all of these years.

John was the inaugural president of the Neerim South High School council, and he is a life member and past president of the Neerim District Soldiers Memorial Hospital, a past president of the Central Gippsland Regional Planning Authority interim committee, a former commissioner of the Neerim South Water Works Trust and Noojee Water Works Trust, and a former Gippsland representative on the Latrobe Valley Water and Sewerage Board. He was the inaugural chairman of the Westernport Catchment Coordinating Group, and he is a former senior vice-president of the Victorian Bush Nursing Association. He also served on management committees of the Neerim South pool, public hall and recreation reserve.

This exceptional record of commitment to his community is unprecedented. I thank John for his lifetime of service to his community and congratulate him on being awarded the Order of Australia medal.

Rail: regional and rural Victoria

Mr PALLAS (Minister for Roads and Ports) — I had the great pleasure recently to attend the Wyndham City Council chambers in my electorate of Tarneit for an announcement of the Brumby Labor government's proposed route for the regional rail link. The recent $3.2 billion funding announcement by the federal government for the regional rail line has ensured that it will be one of the first projects to be started in the $38 billion Victorian transport plan. The regional rail link is one of the most pivotal projects of the Brumby government's $38 billion Victorian transport plan, and by working with the federal government we have ensured that this project will begin by the end of the year and secure more than 2800 Victorian jobs during construction.

The regional rail link will see two new stations at Wyndham Vale and Tarneit and up to four more stations and 50 kilometres of new track, which will increase reliability for V/Line trains and increase capacity for the Werribee line. The regional rail link will provide capacity for more than 20 extra train services every hour — or an extra 9000 passengers every hour — on the Geelong, Ballarat, Bendigo, Werribee, Sydenham and Craigieburn lines. Wyndham has become the fastest growing municipality in Victoria, and it is important to integrate growth areas with planning for good transport services, access to jobs and recreation as the area develops.

I would like to thank the local federal member of Parliament, Julia Gillard, and the federal government for committing to support the regional rail link, which is the first major new rail line for Melbourne's train network in 80 years. I would also like to thank the Wyndham City Council mayor and chief executive officer.

Methodist Ladies College, Kew: bushfire support

Mr McINTOSH (Kew) — I am extremely proud of all schools within the Kew electorate — public, catholic and private schools. The initiative and generosity shown by these schools has seen them raise thousands of dollars for bushfire relief.

This morning I will single out just one school by way of example — an example of many Kew schools. In speaking of the Methodist Ladies College I know that their generosity towards bushfire relief has been replicated in schools right around the electorate of Kew. The ladies at MLC raised a staggering $76 000 on their own initiative for the bushfire appeal, and then decided, themselves, how that money would be dispersed.

I know that part of the moneys raised has been provided to purchase a repeater station that would service the communities of Marysville, Buxton, Narbethong and Taggerty in any future emergency. As we are all aware, the emergency of 7 February meant that in many areas,

communication was very limited. A repeater station erected on a mountain top enables the effective range of low power hand-held radios to be increased by hundreds of kilometres.

The MLC student committee researched the issue, consulted with fire-ravaged communities and finally visited Marysville in May not just to deliver cheques but to discuss with and learn from the community members the devastating impact the fires had on so many communities around Victoria.

I congratulate my Kew schools and, more particularly, I congratulate the Methodist Ladies College for this initiative.

Point Richards: boat ramp

Ms NEVILLE (Minister for Community Services) — I was delighted to be in Portarlington recently to announce funding of $250 000 to Bellarine bayside foreshore committee for the dredging of the area around the Point Richards boat ramp. This has been provided through the government's Boating Infrastructure Fund and is in addition to earlier funding of $446 000.

The original grant was to redesign and build a new boat ramp that was safer and had greater capacity to meet the demands of one of the area's most well-used boat ramps. During the engineering and designing works, it was clear more funding was required to ensure the ramp could deal with the unique wind and sea movements. That ramp has been extremely popular, particularly for fishing and boating enthusiasts from the local region.

The completion of the Point Richards boat ramp project will ensure we have a safe, accessible and modern facility. It will be a very valuable community asset for Portarlington and the Bellarine Peninsula. My congratulations to the committee of management, especially the chair, Peter Kenny, and the chief executive officer, Tim Page-Walker, for their hard work and commitment to this important local project.

Geelong Performing Arts Centre: funding

Ms NEVILLE — On another matter, it was also a great pleasure to join with older Bellarine and Geelong residents and people from diverse backgrounds at the Geelong Performing Arts Centre (GPAC) recently. It was an opportunity to announce a $154 000 Victorian community support grant.

The grant will assist GPAC and Diversitat to provide a range of activities for local multicultural communities. The aim is to involve people who may be isolated, particularly new arrivals and seniors. The three-year program will involve volunteers in mentoring people to assist them to put on an exhibition or performance at GPAC.

Reconciliation Victoria: abolition

Mrs POWELL (Shepparton) — I would like to raise for the attention of this house the Brumby government's intention to abolish Reconciliation Victoria (RV), the peak body for reconciliation in this state since 2000.

I believe 80 per cent of the work Reconciliation Victoria does is with non-Aboriginal people in an effort to stamp out racism and build bridges between Aboriginal and non-Aboriginal people. Reconciliation Victoria's core funding of $200 000 last year for the first time came from the Community Support Fund. This year it was told it would lose its funding after 30 June.

After pressure from the coalition, the government promised to provide reduced funding of $150 000 from the AAV (Aboriginal Affairs Victoria) budget on the condition that RV merge with Stolen Generations Victoria. RV has refused the offer as it is against its policy to accept funding from AAV as that funding should be used for Aboriginal services and programs. RV will not merge with Stolen Generations Victoria as both organisations have different objectives.

Reconciliation Victoria is meeting with the Minister for Community Development tomorrow at 3.30 p.m. to present its final report. It is in the process of packing up and would sell its assets because it has to be out of its premises by the end of July.

This whole sorry saga is a disgrace. I have received many letters of support for Reconciliation Victoria, such as those from the Long Walk Trust, the Royal Commonwealth Society, Australians for Native Title and Reconciliation, Hawthorn, and the Maroondah Movement for Reconciliation. The Shepparton region reconciliation group is also disappointed by the lack of commitment to funding from this government.

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

Our Lady of the Sacred Heart College, Bentleigh: performing arts

Mr HUDSON (Bentleigh) — Last Friday I had the pleasure of attending the performing arts spectacular at Our Lady of the Sacred Heart College in Bentleigh. The

program showcased the talent of the school at all year levels. One of the most impressive aspects of the program was the bandstand performances by all of the students in each school house. Xavier performed *Supercalifragilisticexpialidocious* from *Mary Poppins;* Sweeney performed *Do Re Mi* from the *Sound of Music*, Hartzer performed *Somewhere Over the Rainbow* from *The Wizard of Oz;* and Chevalier performed *It's the Hard Knock Life* from *Annie*. The great thing about these performances was that every student contributed to the rendition of the song with great rhythm, energy and synchronised movement, creating a powerful musical effect on stage. In addition there were many fine solo performances. Special mention should be made of Naomi Kohler, Nancy Morel and Miriana Dugosija, who played piano, and the percussion ensemble.

In the Our Lady of the Sacred Heart College You've Got Talent quest there were wonderful performances by Annie Aldridge, Rachel Pinto, Meagan Harper, Shauny Ben-Natan, Petrina Stratoudakis, Danielle Slevison, Mollie Rumble, Natasha Pinto, Jessie Stuart, Anita Marcou, Andrea Toronyi, Rachael Lampe, Jessica Austin and the rock band made up of Jade Taylor, Kerissa Carron, Shannon Durkin and Naomi Lampe. Laura Colaianni won the quest with her mesmerising solo drama piece.

I extend my congratulations to all the students at Our Lady of the Sacred Heart College on presenting this performing arts spectacular. They showed they have a great depth of artistic talent in their school community. They have demonstrated they have great talent in addition to the tremendous work they have done on the *Disney High School Musical*.

John Elliott: comments

Mr K. SMITH (Bass) — Today we heard the news that the former president of Carlton Football Club, John Elliott, is being interviewed by Victoria Police about the disclosure that a number of women were paid hush money by the Carlton Football Club on the basis that they had allegedly been raped by Carlton footballers some years ago. Mr Elliott was stupid for raising these issues, and the women were wrong in accepting money instead of going to the police and reporting the alleged rapes.

But is this any different from the Catholic Church paying hush money to people who were allegedly raped or sexually assaulted by paedophile priests? I previously chaired the parliamentary Crime Prevention Committee, which investigated and reported to the Parliament on combating child sexual assault. During the two-and-a-half-year inquiry we interviewed a large number of people who claimed they had been sexually assaulted by priests and said that on reporting the assault to the church they found that they were not believed or that those priests were moved on. The Catholic Church was so concerned with this avalanche of complaints that came to the committee that it set up a one-man inquiry led by a leading Queen's Counsel and paid hush money to the victims. Is that any different from the circumstances regarding John Elliott and the Carlton Football Club? Will Victoria Police investigate the Catholic Church? I think not.

Macedon Regional Park: management plan

Ms DUNCAN (Macedon) — On Thursday, 18 June, I had the privilege of launching a new strategic management statement for the Macedon Regional Park. Members would be aware of the Macedon Regional Park and what a beautiful and environmentally significant place it is. I urge all members to come and visit places like the Macedon memorial cross and Camels Hump and to take a walk along the Sanatorium Lake ecotourism walking trail.

This strategic plan will guide the management of the park for at least the next five years. The plan sets out the guiding principles for managing the park in a sustainable way that recognises why it is a proclaimed regional park intended to provide a place of recreation for many people. The park's proximity to Melbourne, its landscape, its environmental and cultural heritage values and its range of recreational activities makes it a unique place. This plan will help protect this park for future generations to enjoy. I am pleased this government proclaimed the area as a regional park on 1 June 2006 and thereby secured the boundaries that were under threat under the previous government.

I acknowledge the work of Parks Victoria and the Macedon Regional Park Advisory Committee for all the work they have put into this plan and into this park for many years. I also thank the Macedon Ranges Shire Council, Western Water, the memorial cross committee, the trustees, the Friends of the Macedon Ranges, the Country Fire Authority and all the other community groups that help support this park, including local schools Braemar College, Macedon Primary School and Mount Macedon Primary School.

James 'Dinga' Bell

Mr TILLEY (Benambra) — Yesterday a moving memorial service was held for James Edward Bell, who was born in Ringwood on 31 January 1964. James, or just 'Dinga' as he was known by many of his former

Australian Defence Force colleagues, was a true Victorian in both spirit and action and well deserves commemoration and our respect.

James had been working for the United Nations since 2001. He gained the respect and love of both international colleagues and people from local communities during his service on challenging peacekeeping missions in the complex environments of East Timor and Afghanistan. He had 10 years service in the Australian regular army, serving initially in the First Armoured Regiment before moving to the Royal Australian Corps of Military Police special investigation branch, which saw him working in Malaysia, Hong Kong and East Timor.

Those informative years were followed by nine years with the New South Wales police service, which further prepared him well for his international career. Jim's contributions to global peace and stability included investigations of crimes against humanity in East Timor and security management in conflict-ridden eastern and northern Afghanistan.

James, beloved husband of Danielle and proud father to Matthew, Stefanie, Bianca, Luisa and Renata, passed away in Phoenix, USA, on 14 June 2009 after a courageous battle against cancer. James was deeply loved by his wife, family, friends and colleagues and will be sorely missed by all those who knew him.

Hurstbridge Primary School: computer laboratory

Ms GREEN (Yan Yean) — This week I had the privilege of officially opening a new computer laboratory at the magnificent Hurstbridge Primary School. The new lab, containing brand-spanking-new Apple Macs, has been keenly embraced by the students. The lab was the brainchild of teacher Chris Tatnall. It has been seamlessly built in a corner of the well-used library and has been welcomed by library teacher Eva Orvad. The opening was well attended by parents, who took the opportunity to thank acting principal Jan Shrimpton for her leadership of the school during a difficult time. I would also like to place on record my thanks to Jan for her outstanding work in supporting staff, students and the whole school community, and I wish her well in her retirement.

Whittlesea Secondary College

Ms GREEN — This week I had the privilege of again visiting the Whittlesea Secondary College and witnessing the launch of the partnership between this great school and Centre Com global multimedia, which has provided 12 notebook computers for the use of students who lost their homes in the tragic fires and will also rebuild the school's website and provide colour printing facilities for the local community. I want to offer my profound thanks to Centre Com, a Bundoora-based company, for its generosity and support for this great school.

I would also like to welcome the permanent appointment of principal Terry Twomey to provide leadership for this great school into the future. Terry has done a fantastic job in his acting role during a very difficult time, and I know that he will continue to provide great leadership, both academically and personally, for the students and staff of this fantastic school. Well done, Terry. I look forward to continuing to work with him and the Whittlesea community.

Water: north–south pipeline

Dr SYKES (Benalla) — I wish to share with the house an email I received this week from 61-year-old grandmother Colleen Jones. It reads:

> I notice on WIN news tonight that as one of the protesters attending protests along the north–south pipeline, I am now being blamed for the extravagant and unnecessary expenditure on full-time security along its length.
>
> A female of 61 years of age — as are many who turned up to extremely well-controlled and peaceful protests to voice an objection to a project which we have always said was not properly costed nor correctly environmentally assessed — I take umbrage at the blatant spin and disgusting propaganda that Labor is continuing to pump into the media recently.
>
> I have missed only one protest and saw no sign of the violence this deceptive government chose to portray as taking place.
>
> Our stance on this ridiculous north–south pipeline … which any idiot can see will not meet projected water savings, has been justified by the government's refusal to comply with freedom of information requests and the statement from Mr David Downie that 'Government policy was made before the business case was done'.
>
> Liars, cheats and bullies.

I also wish to publicly thank Deb McLeish for having the courage of her convictions to make her stand against the pipeline, and I call upon the Premier to heed Colleen's and Deb's calls to plug the pipe.

Peter Hodgson

Mr CRUTCHFIELD (South Barwon) — I am sure the house will join me in congratulating Waurn Ponds-based Deakin University professor Peter Hodgson for being awarded one of academia's most

prestigious honours — an Australian Laureate Fellowship.

Professor Peter Hodgson is the director of research at Deakin's Institute for Technology Research and Innovation. His research aims to develop new metal manufacturing processes and products that will contribute to a more sustainable metal industry, including the motor vehicle industry, which will have real and tangible benefits for Geelong and Victoria.

Professor Hodgson is a globally acknowledged expert in innovative lightweight metals and advanced materials, particularly for the automotive and aerospace industries. He was one of just 15 elite, world-class researchers appointed to the position from several hundred applicants. This is an absolutely outstanding achievement: to be regarded as being in the top 15 by a body like the Australian Research Council is fantastic. Professor Hodgson was very gracious in accepting the award, stating that the award was also in recognition of all the hard work done by Deakin researchers.

I am also very proud to say that Deakin University at Waurn Ponds was the only Victorian university to win Australian Laureate Fellowship honours. This award will no doubt further encourage recognition of Deakin as one of the elite research universities in Australia. The research undertaken at Deakin University's Institute for Technology Research and Innovation focuses on advanced materials, biosciences and intelligent systems and the creation of new technologies. Deakin is training the next generation of students and researchers at the expanding Geelong Technology Precinct and aspires to be the leading Australian regional hub for higher degree training in science and engineering. My congratulations go to both Deakin University and Professor Hodgson.

Police: Hastings

Mr BURGESS (Hastings) — In another devastating blow to the hardworking police officers at the Hastings police station and to the safety of the Hastings and district community, the state government has decided that its public relations in the entertainment precinct of the city is more important than the people of Victoria's suburban, rural and regional communities.

On 5 May I reported to the house that the Brumby government was downgrading the 24-hour Hastings police station to 16-hour-a-day station and would be closing it overnight — between 11.00 p.m. and 7.00 a.m. The Minister for Police and Emergency Services and police command said this was a 'new way of policing' and was about getting police out of the stations and onto the streets. What they failed to make clear was which streets. All became clear last Friday, when a secret email was leaked to me. The email from the most senior areas of police command indicates that the Hastings police who were manning the station at night are now required to report for duty in the city for a shift from 11.00 p.m. to 7.00 a.m. So much for a new way of policing!

Unfortunately the names of the usual suspects within police command that put the spin of the Labor government in front of the interests of their troops and community, including Assistant Commissioner Paul Evans, are all over this email. The email is part of Operation Street Safe, and Hastings police station will be required to supply at least one officer from 11.00 p.m. to 7.00 a.m. for at least the next seven months. The email stated that this requirement was mandatory and not a request.

As if to underline the deceitful game the government is playing, as soon as it became apparent that I had received a copy of this email, an email putting the plan on temporary hold was sent around. In a reaction that has now become synonymous with the Brumby government, it was more concerned about who leaked this disgraceful plot than with the plot itself. The police minister has been the architect of the systematic rape of the security of local communities. That is the point where it ceases to be an operational matter and becomes a matter of ministerial responsibility. The minister has proved beyond any doubt that he is unable to manage his portfolio. His incompetence is costing this state dearly.

Burwood electorate: Youth Foundations Victoria grants

Mr STENSHOLT (Burwood) — It was with much pleasure that last night I attended the Youth Foundations Victoria grant presentation night for the Ashwood, Ashburton and Chadstone organised by the local youth action committee called YACC 1766. Youth Foundations Victoria is a partnership between the Victorian government, Bendigo Bank groups and local communities with a government contribution of $4.5 million through the Community Support Fund. The community company behind the Canterbury Surrey Hills Ashburton community bank branches is matching the government's funding commitment by contributing $106 000.

I would also like to congratulate the following groups who last night were presented with grants by me and by Cr Dick Manning, who is the chairman of the local community bank. The Craig Family Centre's youth-orientated disability support and education

project received $2000 to enable 12 intellectually disabled young adults to undertake a culturally significant excursion. The Reload program received $1600 to continue to support young people in and around the Ashburton neighbourhood renewal area. The Cook Islands Uniting Church youth group received $1500 to hold an expo day. Australian Development Review received $2000 to develop a youth e-space for the Ashburton, Ashwood and Chadstone areas about volunteering, philanthropy and social issues. Monash Youth and Family Services received $2000. Ashburton 1st Scouts also received $2000 to enable them to hold a drug-and-alcohol-free winter bush dance.

As the member for Burwood, I am proud of these young people. They are making a difference. They are passionate about their community, and want not only to volunteer but to make a difference to the lives of the 1766 young people in the local area.

Adoption: loss support

Ms CAMPBELL (Pascoe Vale) — Congratulations to the Queensland government, Queensland Health and particularly to Professor Ian Jones, obstetrician and executive director, Women's and Newborn Services, Royal Brisbane and Women's Hospital, who issued the following statement in a letter to members of the Adoption Loss Adult Support Group:

> Thank you for meeting with senior members of Women's and Newborn Services at the Royal Brisbane and Women's Hospital on 10 February 2009 and sharing your stories with us about the care you received at the Royal Women's Hospital some time ago. It was very moving and indeed saddening to hear how your experiences have adversely affected your lives, and many other lives that are near and dear to you.
>
> From our frank discussions, we understand that each of you was denied the right to experience the natural relationship between mother and child to care for and to raise your children yourselves, but because of hospital practices were not permitted to do so.
>
> In summary you have described to us how your much-wanted babies were taken from you by the practices of the hospital operating at the time and that you feel you were coerced by hospital staff to sign over your babies for adoption.
>
> In this regard we acknowledge the hurt and suffering you have described and sincerely apologise for any ill-treatment experienced by you as single women during your pregnancy and confinement at the Royal Women's Hospital.

This is a profound letter which acknowledges the extreme hurt in the lives of many women, many children and many extended families, and we should learn from it.

Water: north–south pipeline

Mr WELLER (Rodney) — It is time the government admitted to its mistakes and plugged the pipe.

The ACTING SPEAKER (**Mrs Fyffe**) — Order! The time for members statements has expired.

TOBACCO AMENDMENT (PROTECTION OF CHILDREN) 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 Tobacco Amendment (Protection of Children) Bill 2009.

In my opinion, the Tobacco Amendment (Protection of Children) 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 implement the commitments in the Victorian Tobacco Control Strategy 2008–2013 ('the strategy') by amending the Tobacco Act 1987 ('the act') in relation to:

(a) a new offence prohibiting the display of tobacco advertising, including tobacco product display, in retail outlets, with an exemption for 'specialist tobacconists' and on-airport duty-free shops;

(b) a new offence where a person smokes in a motor vehicle where another person under the age of 18 years is present;

(c) a new offence prohibiting the sale of tobacco from temporary outlets;

(d) a new power for the Minister for Health to ban the sale, in certain circumstances, of tobacco products and packaging that appeal to young people, non-tobacco products that resemble tobacco products, and any other product, the nature or advertising of which might encourage young people to smoke; and

(e) amendments implementing a review of penalties and enforcement provisions including new body corporate provisions and extended provisions for the power of the secretary to require disclosures by tobacco companies and wholesalers of information relating to tobacco retailing businesses.

The bill is structured in three parts. Part 1 includes introductory provisions and does not limit any rights in the charter. Part 2 provides for the new tobacco advertising restrictions, which engage the right to freedom of expression but do not limit the right. Part 3 provides for the remaining amendments. Part 3 includes the smoking in cars offence which may engage the right to privacy but does not limit it. Part 4 provides for the repeal of the amending act and does not limit any rights in the charter.

The amendments continue the series of legislative reforms made since the act was introduced. The act's preamble recognises that tobacco use is so injurious to the health of both smokers and non-smokers as to warrant restrictive legislation. The act particularly seeks to limit the exposure of young people to smoking and the persuasion to smoke. Smoking remains the leading avoidable cause of many cancers, respiratory, cardiovascular and other diseases. In Victoria, smoking costs approximately 4000 lives and $5 billion every year. Smoking rates remain disproportionately high in many of our communities, causing avoidable hardship and ill health among many of the people who can least afford it.

Tobacco control legislation positively engages the right of everyone to enjoy the highest attainable standard of health which is recognised by international human rights law, including article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has been ratified by Australia. Article 12 requires parties to the ICESCR to take steps to achieve the full realisation of this right, including measures necessary for the prevention, treatment and control of epidemic diseases, and the healthy development of children. Health is a fundamental human right that is essential for the enjoyment of many of the individual rights protected by the charter, and in particular the right to life which is protected in section 9 of the charter. Tobacco control legislation also supports the objectives of the World Health Organisation in response to what the organisation describes as a global tobacco epidemic requiring steps to be taken in the affirmation of the international right to the highest standards of health.

International human rights law also recognises that a state may have to limit certain rights of individuals in order to address serious threats to the health of the population or individual members of the population. Such measures must be specifically aimed at preventing disease or injury and must not be arbitrary or unreasonable.

Human Rights Issues

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

The bill engages several rights which are specifically protected and promoted by the charter. This statement provides an overview of the nature of each of these rights and the aspects of the bill that engage the rights.

Section 13: privacy and reputation

Section 13(a) of the charter recognises a person's right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The requirement that any interference with a person's privacy must not be 'unlawful' imports a requirement that the scope of any legislative provision that allows an interference with privacy must specify the precise circumstances in which an interference may be permitted. The requirement that an interference with privacy must not be arbitrary requires that any limitation on a person's privacy must be reasonable in the circumstances and should be in accordance with the provisions, aims and objectives of the charter.

Clause 18 of the bill will insert new division 1A into part 2 of the act, containing provisions in relation to the new offence of smoking in a motor vehicle in which a child is present. This offence might be perceived as an interference with the offender's privacy. Even if it were the case that laws regulating conduct in motor vehicles constituted an interference with privacy, this offence does not create an unlawful or arbitrary interference with privacy. The provisions clearly specify the circumstances in which the interference is lawful, and appropriately restrict enforcement of the offence to members of the police force. The provisions are reasonable, as there is no risk-free level of second-hand smoke in confined areas such as cars and even brief periods of exposure to second-hand smoke can be harmful to children because they are especially vulnerable to its effects. Clause 18 therefore does not limit the right in section 13 of the charter.

Section 15: freedom of expression

Section 15 of the charter recognises a qualified right to freedom of expression. The right protects an individual's right to express information and ideas, as well as the right of the community as a whole to receive all types of information and opinions. Section 15(3) of the charter 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 health or public morality.

The new provisions in relation to tobacco advertising restrictions in part 2 of the bill engage the right to freedom of expression. Part 2 of the bill creates a new offence prohibiting the display of tobacco advertising, including tobacco product display, in retail outlets that are not 'specialist tobacconists' or on-airport duty-free shops. Part 2 includes amendments to provide for limited exemptions from the offence so that the retail outlets affected may display prescribed signage. As is currently the case, the regulations will allow such outlets to display a price board of tobacco products for sale. The regulations will also provide for a sign to be prescribed for display, to the effect that tobacco products are available for sale at the outlet. The effect of part 2 is to remove the act's other exemptions for tobacco advertising in the affected retail outlets, so that tobacco advertisements including tobacco product display will no longer be permitted.

The current partial restrictions on tobacco advertising have not altered the fact that tobacco products remain more visible and more widely available than any other consumer product in Australia, including milk and bread. The display of tobacco products in particular raises the profile of tobacco and creates the impression that cigarettes and smoking are more of a social norm than is actually the case. This increases the likelihood that young people will start smoking, encourages smokers to buy more tobacco products and makes it harder for quitters to succeed. The restrictions in part 2 are lawful restrictions reasonably necessary for the protection of public health, and therefore do not limit the right in section 15 of the charter.

Section 17: protection of families and children

Section 17(1) of the charter provides that families are entitled to be protected by society and the state and that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

The bill positively engages with the right of the child to protection, by limiting the exposure of children to tobacco smoking, tobacco advertising, tobacco sales, and providing the minister with a power to ban the sale of tobacco products and related products (for example, tobacco products that may appeal to children).

Section 25: rights in criminal proceedings

Section 25 of the charter protects a number of rights that apply to a person who has been charged with a criminal offence. Section 25(1) protects the right of a person charged with a criminal offence to be presumed innocent until proved guilty according to law. It requires the prosecution to prove the guilt of an accused beyond reasonable doubt. Provisions that merely place an evidential burden on the defendant (that is, the burden of showing that there is sufficient evidence to raise an issue) do not limit the right in section 25(1) of the charter because the prosecution still bears the legal burden of proving a contested matter beyond reasonable doubt.

Clause 18 of the bill includes an evidential burden on the defendant in proceedings for the offence of smoking in a car where there is prosecution evidence that a person in the car appeared to be under 18. As noted above, this does not limit the right in section 25(1).

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

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

Conclusion

For the reasons outlined above, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

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.

This bill represents the latest step in our government's tobacco reform agenda which has included an extensive range of legislative reforms over the last 10 years.

For over 20 years Victoria has been a world leader in tackling the avoidable illness and death which result from tobacco smoke. Since its introduction, the Victorian Tobacco Act 1987 has set the pace for international efforts to control the epidemic of tobacco use.

Throughout this period, various initiatives and legislative reforms have resulted in fewer Victorians taking up smoking, greater numbers quitting and more Victorians than ever before protected from the harmful effects of second-hand smoke. Since 1987 adult smoking prevalence in Victoria has reduced from 34 per cent to 16.5 per cent in 2008.

Though much progress has been made, smoking remains the leading avoidable cause of many cancers, respiratory, cardiovascular and other diseases. In Victoria, smoking costs approximately 4000 lives and $5 billion each and every year. Smoking rates remain disproportionately high in many of our communities, causing avoidable hardship and ill-health among many of the people who can least afford it.

In December last year the Victorian government launched the Victorian Tobacco Control Strategy 2008–2013. The strategy is a major new initiative that provides a framework and sets targets to reduce tobacco consumption and uptake to make important advances in the fight against cancer and the epidemic of preventable chronic disease.

Since coming to power in 1999 our government has enacted a series of legislative reforms to better regulate tobacco use and protect public health, including:

reforms targeting youth smoking, such as increasing the penalties for selling cigarettes to minors in November 2000;

smoke-free dining and shopping centre laws and further restrictions on tobacco advertising and retail display in 2001;

further smoking restrictions in licensed premises, gaming and bingo venues and the casino in 2002;

smoking bans in enclosed workplaces, at under-age music and dance events and in covered areas of train station platforms, tram and bus shelters in March 2006;

these smoking bans were accompanied by bans on 'buzz marketing' and non-branded tobacco advertising and strengthening the ban on cigarette sales to minors;

and finally, smoking bans in enclosed licensed premises in July 2007.

While these reforms have contributed to record low levels of smoking there is still more to do.

That is why we have set ambitious targets for reducing smoking rates in Victoria. As part of the development of the Victorian tobacco control strategy we announced that by 2013 we aim to:

reduce smoking among adults by 20 per cent;

reduce smoking among pregnant women by 50 per cent;

reduce smoking among Aboriginal and other high-prevalence groups by at least 20 per cent.

In August 2008, the government undertook a public consultation on the Victorian tobacco control strategy to listen to the views of the community on the next steps for tobacco control in Victoria. The thousands of submissions we received are evidence that there is widespread support for further legislative reforms.

The package of reforms in this bill has been developed with consideration of this public feedback with the aim of further pushing down Victorian smoking rates. These amendments will help prevent young people from taking up smoking, protect children from exposure to second-hand smoke and support adults to quit and stay quit.

In summary the key tobacco reforms contained in the bill include:

banning the display of tobacco products in retail outlets (other than specialist tobacconists and on-airport duty-free shops);

banning smoking in cars carrying a person under 18 years of age;

banning the sale of cigarettes from temporary outlets;

providing the minister with the power to ban youth-orientated tobacco products and related products;

amendments to penalties and enforcement provisions; and

consequential and housekeeping amendments.

Other than the point-of-sale tobacco display ban, which will be introduced on 1 January 2011, the remaining reforms will commence on 1 January 2010. The greater lead time for the introduction of point-of-sale bans reflects the government's recognition of the time required by industry to adopt the ban on product displays.

Point-of-sale display bans

Despite bans on tobacco advertising, cigarettes remain more visible and more widely available than any other consumer product in Australia, including milk and bread.

Point-of-sale displays raise the profile of tobacco and create the impression that cigarettes are far more popular than is actually the case. This increases the likelihood that young people will start smoking, encourages smokers to buy more tobacco products and makes it harder for quitters to stay quit.

The bill provides for a ban on tobacco advertising, including point-of-sale displays, in retail outlets with exemption for specialist tobacconists and the continuation of an exemption for on-airport duty-free shops. Specialist tobacconists and on-airport duty-free shops will remain subject to existing advertising restrictions and prescribed product display areas.

In recognition of the fact that a small number of retail businesses derive their income solely or significantly from tobacco products an exemption from the point-of-sale display ban will be provided for specialist tobacconists which derive 80 per cent or more of their gross turnover from the sale of tobacco products.

Cost to business will be minimised by not specifying the manner in which tobacco products must be concealed. For example, retailers may cover their existing displays with an opaque material or move cigarettes to an area out of view, such as under the counter.

Businesses will be able to advise customers of the availability of tobacco products through the use of prescribed price boards and signage such as a 'Cigarettes sold here' sign. The existing prohibition on public tobacco advertising will continue to be enforced by council inspectors, to prevent advertising signs in shop windows promoting cigarettes and other tobacco products.

This ban will remove the visual cues to smokers at points-of-sale and thereby reduce the initiation of smoking and facilitate smoking reduction and cessation. It will also continue to denormalise smoking by reducing the visual presence of tobacco products. This could not be achieved through a partial ban.

The maximum penalty for an individual breaching this ban will be 60 penalty units, with an infringement penalty of 3 penalty units. The maximum penalty for a body corporate breaching this ban will be 300 penalty units, with an infringement penalty of 30 penalty units.

Smoking in cars carrying children

Banning smoking in cars carrying children under the age of 18 years will reduce children's exposure to second-hand smoke, encourage people not to smoke around children and further denormalise smoking for young people.

There is no risk-free level of second-hand smoke in confined areas such as cars. Research shows that air quality in a car while a person smokes with a window partially or wholly down, is similar to that found in a smoky pub. As children are especially vulnerable to the effects of second-hand smoke, even brief periods of exposure can be harmful.

There is no reliable data to say exactly how many people smoke in cars when children are present. However, at least 20 per cent of Victorian parents who regularly smoke say that they do not change their smoking behaviour in the presence of children. This implies that a significant number of Victorian children are exposed to environmental tobacco smoke in cars.

This new offence will be enforced by police members, who are given appropriate powers in the bill to direct motorists to stop and to issue infringement notices.

The maximum penalty for breaching this ban will be 5 penalty units, with an infringement penalty of 2 penalty units.

Public consultation has shown overwhelming support for a ban on smoking in cars carrying children, with a survey conducted by the Cancer Council Victoria suggesting that up to 90 per cent of Victorians support the ban.

Ministerial power to make ban orders

With 80 per cent of smokers becoming addicted to nicotine as teenagers, it is important that the government do all that it can to prevent young people from smoking at a time when they are most vulnerable.

With research showing that up to 20 per cent of 17-year-olds are current smokers, a rate higher than adult smoking prevalence, there is clearly a need for new interventions to prevent children from taking up the habit.

In recent years there have been a number of examples of tobacco products and packaging being used to recruit young people to take up smoking. These include fruit and confectionery-flavoured cigarettes, split-packet cigarettes and glow-in-the-dark packs.

Giving the Minister for Health the ability to ban products that appeal to young people will allow current products to be quickly removed from the market and enable the government to respond rapidly if products emerge in the future.

The introduction of a power to ban fruit-flavoured cigarettes is part of a commitment the Victorian government made at the Australian Health Ministers' Conference in April 2008.

This power is being introduced for the specific purpose of banning the sale of products which are designed to appeal to children and young people such as fruit and confectionery-flavoured cigarettes. The government does not intend to use this provision to ban the sale of other fruit-flavoured tobacco products such as fruit-flavoured cigars and shisha-hookah tobacco which are commonly used by the adult population.

In the preamble to the Tobacco Act 1987 Parliament recognised the need for strong action and restrictive legislation to reduce the injury which tobacco use causes to smokers and non-smokers. With the objective to actively discourage smoking and limit the exposure of young people to inducements to smoke, the act includes the prohibition of certain sales or promotions. Consistent with these objectives, the ban orders allow an effective response to the introduction of products which expose young people to these inducements.

Public consultation found a high level of support for a ministerial power to ban youth-orientated tobacco products and packages.

This reform will enable the secretary to recommend to the Minister for Health to ban the retail and wholesale sale of products which meet the following criteria:

tobacco products, or the smoke of such products, possessing a distinctive fruity, sweet or confectionery-like character; or

tobacco products that have packaging that appeals to young people; or

non-tobacco products that resemble tobacco products; or

any other product, the nature or advertising of which might encourage young people to smoke; and

with regard to the objectives of the act, the supply of those products should be prohibited.

The overriding condition for a ban order recommendation from the secretary is that, with regard

to the objectives of the act, the supply of those products should be prohibited. The minister may take immediate action without a recommendation if the product or class of products has been prohibited or restricted under a prescribed corresponding law. For example, the South Australian tobacco legislation will be prescribed so the products that are prohibited under that legislation's corresponding provisions may quickly be banned from sale in Victoria.

Under the first three criteria, the minister may ban such products as fruit-flavoured cigarettes, tobacco products with packaging that appeals to young people such as attractive metal tins, and non-tobacco products that resemble tobacco products such as toys and confectionery. The fourth criterion will enable the minister to respond quickly to new products on the market that may not meet the first three criteria, but should be prohibited with regard to the objectives of the act.

The maximum penalty for an individual breaching a ban order will be 120 penalty units, with an infringement penalty of 4 penalty units. The maximum penalty for a body corporate breaching a ban order will be 600 penalty units, with an infringement penalty of 60 penalty units.

Temporary sales

In addition to designing products and packaging to appeal to young people tobacco companies use other opportunities to market their products to young people. This includes using temporary stands offering tobacco products for sale at major events such as the Big Day Out, and setting up temporary retail shops at street festivals and fashion events.

The bill provides for the prohibition of sales of tobacco products from 'temporary outlets', being temporary in terms of:

structure: being sold from a temporary display stand, booth, tent or temporary or mobile structure; or temporary in terms of

time: being sold from a retail outlet that is established in an area or premises for the duration of a specific sports, music or arts-related function or event in that area or premises.

These criteria are designed to prevent the sale of tobacco from temporary structures (such as cardboard sale stands of tobacco products erected at the Big Day Out), or from retail outlets that are established in a premises or area for the duration of a specific sports, music or arts-related event in that premises or area (such as a retail outlet established in a street for the purpose of selling tobacco products for the duration of a street festival).

The maximum penalty for an individual breaching this ban will be 60 penalty units, with an infringement penalty of 3 penalty units. The maximum penalty for a body corporate breaching this ban will be 300 penalty units, with an infringement penalty of 30 penalty units. The maximum penalty for a tobacco company breaching this ban will be 5000 penalty units.

This ban is a logical next step from current legislation, which prevents the sale of tobacco at underage music/dance events to events and functions attended by all age groups regardless of whether smoking is legally allowed.

Review of penalties

Controlling the supply and use of tobacco are key tools for reducing tobacco-related harm. To do this the Victorian government must ensure that those who sell and distribute tobacco products do so responsibly.

The government recently undertook a review of tobacco penalties and enforcement; this review identified three major issues which prevent enforcement being undertaken and limit the effectiveness of current provisions of the act.

These are:

insufficient penalties, particularly for body corporates across a range of offences;

a lack of clarity around the enforcement against 'occupiers' who are liable for offences under the act; and

an inability to obtain useful information from tobacco wholesalers regarding the location of tobacco retailing outlets in Victoria.

The bill includes a number of amendments to address these issues which will:

ensure that both maximum and infringement penalties are at an appropriate level;

ensure that penalties are consistent with other legislation in Victoria and other jurisdictions;

provide for increased body corporate penalties;

enable appropriate enforcement action to be taken against occupiers who contravene workplace offences; and

provide the secretary with a more reliable and usable source of information about the number and locations of tobacco retailers in Victoria.

Penalties for not complying with legislation should be commensurate with the harm that unrestricted tobacco use is known to cause and need to be severe enough to deter people from breaking the law.

For example, this bill will increase the existing maximum fine for supplying a tobacco product to a person aged under 18 from 50 penalty units to 120 penalty units for an individual. It will introduce a separate body corporate penalty of 600 penalty units. Penalties for occupiers of enclosed workplaces found liable for a person smoking in the workplace will increase from 5 penalty units to 10 penalty units for individuals — the bill will also introduce a 50 units penalty for a body corporate.

In particular, the bill provides for clarity by amending the definition of 'occupier' in the act, such as occupiers of enclosed workplaces who are responsible for preventing smoking in the enclosed workplace. The definition is amended to include occupiers who appear to be in control of the area even if not physically present, and body corporate occupiers. For example, the owner or manager of a workplace will no longer be able to escape liability for allowing smoking to take place simply by absenting themselves from the premises.

This amendment will assist in the enforcement of workplace smoking bans when the off-site employer does nothing to ensure that smoking does not occur in a workplace.

To enable the government to identify tobacco retailers in Victoria and ensure they are compliant with the act, the bill amends section 42A of the act to improve the secretary's current power to request information from tobacco wholesalers about tobacco retailing businesses and outlets. This amendment includes a requirement for the information to be provided to the secretary in the form approved by the secretary, including electronic form.

In addition to these legislative amendments, the strategy outlines a range of non-legislative initiatives such as providing targeted cessation programs and support for pregnant women, disadvantaged and Aboriginal Victorians, as well as the continuation of Quit social marketing. This package of initiatives will be implemented over the next five years to further drive down smoking rates which will enable us to meet the ambitious targets set out in the strategy.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 9 July.

HUMAN TISSUE AMENDMENT 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 Tissue Amendment Bill 2009.

In my opinion, the Human Tissue Amendment 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 amends the Human Tissue Act 1982 to enable mature minors, aged 16 years and over, to consent to the donation of their blood.

Human rights issues

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

The bill engages two human rights protected by the charter:

privacy: section 13 of the charter provides that 'a person has the right not to have his or her privacy … unlawfully or arbitrarily interfered with';

protection of children: section 17(2) of the charter protects the right of every child, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Clause 3: amendment to the definition of 'child' for the purposes of blood donation

Clause 3 of the bill amends the definition of 'child' from someone under 18 years of age to a person under 16 years of age for the purpose of those sections of the Human Tissue Act 1982 dealing with consent to the removal of blood from adults and children for the purposes of transfusion or for other therapeutic medical or scientific purposes. In practice, such removals most generally take the form of donations of blood to the Australian Red Cross Blood Service (ARCBS) for the homologous supply.

Section 13: privacy

The taking of blood from young people engages the right to privacy under section 13 of the charter. Privacy rights under the charter include protection from unlawful and arbitrary interference with a person's bodily privacy, which includes the protection of our physical selves against invasive procedures.

Any such interference with the bodily privacy of a young person would be neither unlawful nor arbitrary. It would not be unlawful because the matter will be prescribed by law in the Human Tissue Act 1982 and that act will make clear that the provisions relate only to the particular circumstance of voluntary donation of blood, and not to the donation of tissue or organs, which have much more serious implications for one's bodily privacy. Each mature minor would also be dealt with as an individual by the ARCBS and their health and capacity and willingness to consent will be considered according to current national policies and guidelines.

It would not be arbitrary because only those young people who have given their informed consent, and been judged by those with relevant expertise to be capable of forming such consent, would be permitted to donate blood. The process to be put in place by the ARCBS in Victoria to support the changes which would result from the bill, and which will reflect present practice in other jurisdictions which allow mature minor donations, will ensure that blood will only be taken where an informed and expert assessment has been made that the minor is competent to, and does in fact, consent to the removal of their blood and understands all relevant implications of their decision. Should the expert assessor at the ARCBS determine that a young person is not capable of fully understanding what they are proposing to do, and so is not yet able to form the necessary consent, or if they determine that the young person does not really want to give blood but feels subject to peer pressure to do so (which may happen if a group from school attends a donation centre) then their donation would be deferred. This is done to protect the young person and to protect the blood supply.

The clause is reasonable in the circumstances, given the need to recruit young donors to the blood supply and the controls put in place to ensure their full informed consent is obtained and their health protected. The clause will also enable competent mature minors to exercise increased control over their bodies, which is in accordance with the charter's protection against uncontrolled interference with their bodily privacy.

It is therefore considered that clause 3 does not limit section 13 of the charter.

Section 17(2): protection of the rights of children

The lowering of the age at which young people can independently consent to donating blood engages section 17(2) of the charter. Section 17(2) protects the right of every child, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Children who are termed 'mature minors' should be able to understand their own actions and consent effectively and freely to the removal of their blood.

It is considered that clause 3 does not compromise the rights of any child nor their health. It enables these 'mature minors' to donate blood without their parents' consent. Where such a practice has been initiated in other jurisdictions, it has been determined that there are no health risks to the young person. Such donation does not take place in a vacuum. Eligibility to donate blood is ascertained in a confidential setting by an ARCBS trained nurse and includes an assessment as to whether the mature minor is in good health, is of adequate weight, and meets other suitability criteria based on a health questionnaire and medical assessment, in order to ensure that no harm will come to the minor. In educating young people about donating blood, the ARCBS encourages them to discuss their proposed donation with their families and obtain any necessary medical advice regarding their eligibility.

Importantly, assessment by trained staff is also made of the minor's capacity to consent to the taking of their blood, and of the voluntary nature of their consent to ensure the protection of their best interests. As noted earlier, should the assessor determine that a young person is not capable of fully understanding what they are proposing to do, and so is not yet able to form the necessary consent, or if they determine that the young person does not really want to give blood but feels subject to peer pressure to do so then their donation would be deferred.

It should be noted also that this amendment brings blood donation into line with the current law on the ability of a mature minor to consent to medical treatment.

It is therefore considered that clause 3 does not limit section 17(2) of the charter.

Conclusion

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

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.

This bill seeks to make amendments to the Human Tissue Act 1982.

This bill ensures that the regulatory framework for blood donations continue to meet the expectations and needs of the Victorian community in the 21st century.

This bill proposes a minor amendment to the Human Tissue Act 1982 to permit young persons who have attained the age of 16 years to donate blood without parental consent being required.

Speaker, 2009 has been designated as the Year of the Blood Donor, and for a very good reason. Our health services rely on voluntary blood donors. Every blood donation is essential in providing life-saving blood for the community, with the greatest need typically coming from cancer patients, as well as burns, and other trauma cases. Recruiting new blood donors is absolutely vital to ensure enough blood is collected to supply our hospitals.

This amendment to the Human Tissue Act 1982 empowers mature minors to make their own decision regarding donation of blood to the Australian Red Cross Blood Service. This change will give mature

minors the maximum opportunity to donate blood, and enable the Australian Red Cross Blood Service, which is a national organisation, to adopt a nationally consistent approach to its procedures for promoting the donation of blood, for use in transfusions for hospital patients.

The 2006 *Review of Australia's Plasma Fractionation Arrangements* recommended that 'uniform provisions concerning the age at which a person is eligible to donate blood should be introduced by all state and territory governments'. This change will enable Victoria to implement its commitment to make Victorian donation provisions consistent with current practice in other jurisdictions.

In South Australia, New South Wales, Australian Capital Territory, Northern Territory and Tasmania, mature minors of 16 years or older can donate blood if they are capable of making this decision. In such cases, parental consent is not required. The Australian Red Cross Blood Service youth donor programs in those jurisdictions operate successfully. Currently in Victoria, like Queensland and West Australia, a 16 and 17-year-old may donate blood but there must be parental consent for each donation.

This proposed change will bring regulation for blood donations in line with the existing mature minor consent for medical treatment. There are many logistical difficulties associated with obtaining agreement of both a parent and donor in relation to each act of donation, and this may be reducing the number of occasions when mature minors donate blood. One way to maximise the number of donations from mature minors is to make the process as straightforward as possible. This will increase the pool of blood donors and increase the availability of blood for medical needs.

The proposed amendment will affect the provision in the Human Tissue Act relating to blood donation only. It will not apply to other aspects of the act including organ and tissue donation. The proposed amendment will change the definition of a child for the blood donation provisions of the act only.

Speaker, the Australian Red Cross Blood Service undertakes a range of measures designed to ensure that the consent of all donors, regardless of age, is given freely. The Australian Red Cross Blood Service is confident that young people who donate blood are very well informed and know their rights and entitlements.

Possible coercion or peer group pressure is a recognised risk in all group donor activity including clubs, church groups and the like. The Australian Red Cross Blood Service specifically trains qualified nurses to interview and thoroughly screen each potential donor. That training ensures that these nurses are able to recognise and deal with individuals who may be coerced into donating blood or may be subjected to some degree of peer group pressure.

The requirements for the screening of potential blood donors are imposed through a combination of the Victorian Health (Infectious Diseases) Regulations 2001, the commonwealth's Therapeutic Goods Administration's Australian code of good manufacturing practice for human blood and tissue and the Australian Red Cross Blood Service's donors and recipients safety policy. These standards are applied to all individuals seeking to donate blood regardless of age, and ensure that all potential donors are properly informed and understand the nature of the procedure and the risks and benefits of donating blood.

All donors are assessed to ensure that they are medically fit to donate blood, that they have the capacity to make the decision to donate blood, to answer the questionnaire truthfully, and to give informed consent to the procedure.

The point that I must emphasise here is that the donation process is no more or less rigorous for adults or mature minors. It is a serious and thorough process with legal ramifications highlighted for everyone. The Australian Red Cross Blood Service nurses are thoroughly trained in the application of the questionnaire and in the exploration of answers to varied and quite personal questions contained in the questionnaire and they are highly skilled in devising strategies for assisting donors who may need to explain to others — such as their peers — why they were unable to donate blood on a particular day. This advice is given in such a way as to preserve the donor's dignity.

The Australian Red Cross Blood Service takes an educational approach in marketing its blood donor program to students in the 16-years-and-older age group. That approach educates students about the donation process and its benefits. The program also advises students to talk about giving blood with their families prior to donation. Mature minors will still be encouraged to obtain medical advice about any underlying medical conditions or other issues that may render them ineligible to donate blood.

This bill will assist in increasing blood donations from young persons and contribute to sustaining this valuable service into the future. This bill will empower mature

minors to make an altruistic decision to donate blood for the benefit of the community.

I commend this bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 9 July.

COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) 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 Courts Legislation Amendment (Sunset Provisions) Bill 2009.

In my opinion, the Courts Legislation Amendment (Sunset Provisions) 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 repeals the sunset provisions in the Family Violence Protection Act 2008 to make the Family Violence Court intervention project (FVCIP) ongoing. The FVCIP permits the Magistrates Court to order a defendant to attend counselling designed to change violent behaviour.

The bill extends the sunset provisions in the Courts Legislation (Neighbourhood Justice Centre) Act 2006 to allow the Neighbourhood Justice Centre (NJC) to continue operations for a further four years.

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

Section 8: recognition and equality before the law

Section 8(3) of the charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

In accordance with section 4N of the Magistrates' Court Act 1989, the NJC operates in a specific location being the city of Yarra. Section 4O of the Magistrates' Court Act also requires that a party to a civil or criminal proceeding must reside in the city of Yarra.

This requirement means that residents outside of the city of Yarra do not have access to the NJC. However, differential treatment on the basis of residence does not constitute discrimination within the meaning of the Equal Opportunity Act 1995 and therefore it does not engage section 8 of the charter.

Furthermore, the NJC does not limit the access of persons living outside of the city of Yarra to the Magistrates Court sitting at another venue, thereby maintaining equal protection of the law.

Section 10(c): protection from torture and cruel, inhuman or degrading treatment

The amendments to the Family Violence Protection Act 2008 require male offenders to attend compulsory counselling which may engage section 10(c) of the Human Rights and Responsibilities Act 2006.

Section 10(c) provides that a person must not be subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent. Section 10(c) of the charter protects a person's right not to be subjected to medical treatment unless they have given their full and free informed consent. In this context 'medical treatment' encompasses all forms of medical treatment and medical intervention, including compulsory counselling, examinations and testing.

The amendment to repeal the sunset clause and make the compulsory counselling ongoing engages, and limits, section 10(c) of the charter. It requires, on the order of a court, that a person attend counselling (which constitutes a form of medical treatment).

The importance of the purpose of the limitation

The limitation is important as it operates to ensure that a respondent receives treatment that is intended to address their violent behaviour. In this sense, it works to change a respondent's violent behaviour in respect of which a family violence intervention order has been made. Thus, the limitation also operates indirectly to promote the right to life (pursuant to section 9 of the charter) and the right of families and children to protection (under section 17 of the charter).

Nature and extent of the limitation

The limitation is restricted to requiring a respondent to attend at a particular location for counselling treatment for a fixed period of time. If the respondent fails to attend the counselling the respondent is guilty of an offence and liable to a fine.

Relationship between the limitation and its purpose

Given the importance of the limitation to change a person's violent behaviour and to protect families and children, the limitation is both rational and proportionate to its purpose.

Any less restrictive means reasonably available

There are no less restrictive means reasonably available to achieve the aim. On balance, the limitation is reasonable and demonstrably justified in a free and democratic society.

Section 13: privacy and reputation

Section 13 confers a number of rights regarding privacy. Specifically, a person has a right not to have their privacy, family or home unlawfully or arbitrarily interfered with or their reputation unlawfully attacked.

The right to privacy is engaged with the confidentiality of personal information disclosed in the process of determining whether counselling orders are appropriate and any subsequent counselling sessions. The provisions engage the

right to privacy because they provide for disclosure of personal information in certain limited circumstances.

However, the right to privacy is not limited as interference is lawful and not arbitrary. The interference is not arbitrary because it is in accordance with the provisions, aims and objectives of the charter, particularly section 17, which provides for the protection of families and children. It is reasonable in the circumstances where the legislative intent is to take measures to protect a person from further violence.

Conclusion

I consider that the bill is compatible with the charter because the bill does not limit any human right protected by the charter.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Background

The key purposes of the bill are to repeal part 15 of the Family Violence Protection Act 2008 to make the Family Violence Court intervention project ongoing and to extend sunset provisions in the Courts Legislation (Neighbourhood Justice Centre) Act 2006 to allow the Neighbourhood Justice Centre to continue operations for a further four years.

Family Violence Court intervention project

The Family Violence Court intervention project was established as a pilot project at the Heidelberg and Ballarat Family Violence Court division. It enables magistrates to direct men, against whom an intervention order has been made, to attend an eligibility assessment interview and, if assessed as eligible, to attend specialist group behaviour change counselling programs. The Family Violence Court intervention project forms an integral component of the government's integrated courts response to family violence in Victoria.

Preliminary results of the evaluation that is in progress indicate that the Family Violence Court intervention project unequivocally promotes defendant accountability and increases the safety of women and children who have been affected by family violence.

Repeal of the sunset provisions will enable the Family Violence Court intervention project to continue and allow defendants to be directed to undertake group behaviour change in order to promote defendant accountability and increase the safety of women and children who have been affected by family violence.

Repeal of the sunset provisions will enhance the success of the family violence courts and the benefits of the statewide service system response to family violence.

Neighbourhood Justice Centre

The Neighbourhood Justice Centre divisions of the Magistrates Court and the Children's Court were established under the Courts Legislation (Neighbourhood Justice Centre) Act 2006. Part 6 of that act repeals the provisions establishing the Neighbourhood Justice Centre and comes into operation on 31 December 2009 unless amended.

The Neighbourhood Justice Centre commenced operations in February 2007. It is the first community justice centre in Australia. In keeping with the original vision for it, the Neighbourhood Justice Centre addresses the underlying causes of offending behaviour, utilises restorative justice and therapeutic jurisprudence principles and employs collaborative, multidisciplinary case-management framework with a principal magistrate dealing with all matters before its court.

The Neighbourhood Justice Centre houses a multi-jurisdictional court and provides access to services, including drug and alcohol counselling, mental health and financial counselling support, housing and employment advice, victims' support and compensation advice, general legal information and alternative dispute resolution including mediation.

An evaluation of the Neighbourhood Justice Centre will be completed in late 2009 and there are clear emerging trends which indicate its benefits to the justice system. These trends indicate that breach rates for family violence intervention orders appear to be lower at the Neighbourhood Justice Centre than the statewide average; the rate of successful completions for community corrections orders appears to be higher at the Neighbourhood Justice Centre than the statewide average; and the proportion of guilty pleas at first hearing appears to be higher at the Neighbourhood Justice Centre than the statewide average, thereby leading to greater court efficiencies.

The Neighbourhood Justice Centre has modernised the courts and improved the administration for participants, with the court delivering justice more compassionately and fairly to people with complex needs. The Neighbourhood Justice Centre is seen as better informed, less intimidating, safer, more accessible and part of the local community, creating a model of integrated, multidisciplinary service delivery, which

results in earlier intervention and exposes people to a range of treatment and other options.

In addition to court services the Neighbourhood Justice Centre is also an asset for the city of Yarra, bringing additional services and facilities to the community, facilitating community engagement and providing a space for problem-solving with the community.

The Neighbourhood Justice Centre has promoted cultural change by acting as a coordination point for responding to crime and safety issues and also by improving the way government works with other state government agencies, local government and local services.

I commend the bill to the house.

Debate adjourned on motion of Mr O'BRIEN (Malvern).

Debate adjourned until Thursday, 9 July.

LEGISLATION REFORM (REPEALS No. 4) BILL

Second reading

Debate resumed from 23 June; motion of Mr HULLS (Attorney-General).

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on the Legislation Reform (Repeals No. 4) Bill. I am happy to see the member for Rodney in the house, because I remember some years ago seeing a picture of him in front of a stack of acts and bills when he was the president of the Victorian Farmers Federation. At that time he was saying there was too much legislation and regulation, so I am happy to see he is supporting this bill and that he is keen to see the government reducing the regulatory burden on the community and on business. The introduction of this bill is part of what is very much a logical exercise by the government. This is the fourth bill in a series. We are moving forward on reducing the burden, and we are doing a good job.

The main purpose of the bill is to repeal spent or redundant acts relating to land. A list of acts that are no longer required is provided in the schedule to the bill. The list has been compiled in consultation with the Office of the Chief Parliamentary Counsel over a period of time. There has been a review of all the legislation in consultation with government departments. The process the government and the public service has gone through focuses very much on those areas highlighted by Dr Ken Henry — that is, productivity, population and participation. The process of removing spent and redundant acts is about productivity — that is, acts are being removed so that people in business and in government do not have to deal with legislation they may have had to look through to see whether those acts apply to their activities.

The member for Ferntree Gully made a long contribution during which he sometimes became a little confused, particularly when he suggested that the government was revoking land through this process. This bill revokes acts and regulations and the like but definitely not land. We will keep the land where it is, because I know the member for Rodney and others would not like to see us revoke land and take it away. I think most of us would like to leave the land where it is. We are revoking acts and how they apply.

Mr Weller — Why don't you leave the water where it is?

Mr DONNELLAN — We are talking about land, not rain dancing or anything like that.

The ACTING SPEAKER (**Mrs Fyffe**) — Order! The member for Narre Warren North will ignore interjections.

Mr DONNELLAN — The Premier said in the annual statement of government intentions and the government indicated at the last election that it would focus on reducing regulation. It is not a particularly exciting aspect of government to talk about; however, it is our intention to reduce the regulatory burden and, over time, to reduce the number of principal acts on the Victorian statute book by about 20 per cent. The passing of this bill will bring the number of spent or redundant acts that have been repealed by this government to about 200. It may not be exciting, but at the end of the day it improves the manner in which people are able to deal with these matters. This process is very much about efficiency. By repealing spent and redundant legislation we hope to reduce the number of principal acts on the Victorian statute book by about 20 per cent.

Mr Weller — There is more to do.

Mr DONNELLAN — Yes, there is more to do, but at the end of the day we are moving forward. The three earlier legislation reform bills repealed a total of 153 redundant acts, and the passing of this bill will bring the total to 200.

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 and deem that land to be unalienated Crown land. These matters are not terribly exciting, but they are absolutely necessary. At the end of the day they are a bit like the tax act, which has grown exponentially over many years. In reviewing existing acts we do not want to end up having individual acts the size of the tax act. I think the Victorian public and the business community very much appreciate in a quiet way that this government has set out a specific policy and proceeded along well established principles to reduce the size of the Victorian statute book. New legislation is drafted in plain English that is free of the legalistic terms that many of us would have stumbled over unless we had legal training or knew some Latin. The process is about bringing legislation into the 21st century more than anything else so that an average person can read it and know what it says.

The government hopes to modernise all Victorian legislation by 2010. The plan is that all laws will have been reviewed and modernised within the past 10 years. The Minister for Environment and Climate Change has had a great deal of input into the process, but the leader of the process is the Attorney-General. Our target is that by 2010 only the Constitution Act 1973 will be more than 10 years old and that all other acts will have been updated to reflect current terminology, which should make life a lot easier for all of us.

The Brumby government leads the nation in regulation reform. In many areas, such as fundraising, we have put forward propositions to all the states to try to streamline matters. Having similar regulation across the whole country makes sense. Each state in Australia has fundraising legislation that focuses on a particular manner of fundraising. In Queensland, for example, the focus is on raffles, which is one way of raising funds. However, if you are a Victorian fundraiser and you go into Queensland — —

Mr Weller interjected.

Mr DONNELLAN — Haven't raffled any utes this week!

Mr Robinson — There is a raffle going on for Malcolm Turnbull's position!

Mr DONNELLAN — That is a good raffle! This legislation is not exciting stuff, but if you are a fundraiser you would appreciate that having consistency from one side of the country to the other would reduce your administrative burden. Having uniform legislation would allow you to register in one state and engage in fundraising activities across the country. Why would we want fundraisers spending months, weeks and years wading through the legislation in every state, complying with all their regulations and rules and registering in each and every state? I understand the states are looking at mutual recognition and that is good. However, it is the legislation which needs to be reformed.

We want to ensure that this regulation does not impede growth, productivity and innovation for Victorian businesses. It is a big tick for the Brumby government that the National Competition Council has recommended that other jurisdictions follow the Brumby government's lead in creating an independent body like the Victorian Competition and Efficiency Commission to assist regulation. We would hope that across the country governments of all persuasions would look at reducing regulation in a logical, formatted way and bringing forward a program, like this government has — this is the fourth such bill that has been brought before the house — to make it easier for everybody.

This bill continues on that merry path. As I previously mentioned, it will bring the total number of bills repealed in the current term of the government to 200. This, I think, comes on top of the repeal of previous bills, bringing the total to 373, although that may include some of the 200 bills repealed in the current term of the government, as outlined in the annual statement of government intentions in 2008.

This is a worthy bill. I note that the opposition is supporting it, and I welcome that support. I know the member for Rodney is very keen to speak on this bill, because the pile of acts he had in front of him all those years ago was nearly as tall as he was; I am sure this bill will assist in reducing that pile. I am also sure that the bill will be supported by the member for Rodney.

Mr WELLER (Rodney) — It is a pleasure to rise to speak on the Legislation Reform (Repeals No. 4) Bill. I might say it is always interesting to listen to the contributions of the member for Narre Warren North. He is correct that the government has gone a part of the way towards keeping one of its promises to reduce the number of bills. But when he speaks about reducing red tape, there is no substance to that comment; the government has put spin on this.

While I said he was correct about the number of acts repealed, let us have a look at the number of pages that have gone into this. The number of pages of new legislation enacted by this government has increased by

5900 between January 2000 and December 2008. There were 12 000 new pages enacted and only 6100 pages repealed. The government once again has put its spin on a subject on which it is not delivering. While we may have a reduction in the number of acts, the bills are bigger, so there are 6100 more pages of red tape in this state than there were in January 2000.

There are many acts that will be repealed by this bill, including some very interesting ones; a lot of them have a very interesting history. The first of these is the Land (Miscellaneous Matters) Act 1984 that refers to the Melbourne General Market Lands Act 1917. That act made very interesting reading as it goes back to the time when there were markets on the corners of Flinders Street, William Street and also Collins Street. The market in the Queen Street area is the one that has been further developed, but back then the government of the day had to have two inquiries by standing committees and a royal commission to establish a market where the Queen Victoria Market is currently located. The Queen Victoria Market was officially opened prior to this, at 10.30 a.m. on 20 March 1878. It goes back a long way.

Another thing I, as a dairy farmer, found interesting is that the dairy pavilion at the Queen Victoria Market was built in 1929. Prior to that time, the hygiene was such that even though the farmers had produced a very high quality product, the area could not be cleaned until the butter had been removed because the dust would settle on the butter. And when the Queen Victoria Market was extended, some bodies were removed because it had been the site of the old Melbourne Cemetery. The bodies were appropriately relocated so that the extensions could go ahead, and the cemetery was moved to a site outside the city.

Another act I read with interest was the Land (Miscellaneous Matters) Act 1985, which refers to the fact that this act:

> … authorised the Lord Mayor, councillors and citizens of Melbourne to surrender certain land used as a cattle market and for slaughtering to the Crown.

As members would be aware, this refers to the Newmarket saleyards which used to be the barometer for cattle sales in Victoria and indeed in south-eastern Australia. Cattle were brought in from the Riverina, south-eastern South Australia and by boat from Tasmania. I might say The Nationals have great connections with Newmarket.

I note for the benefit of the member for Shepparton that you would read quite regularly about stock that came from the Tatura area, which is near Shepparton, topping Newmarket sales, and South Gippsland often topped the bullock market. The bullocks from Korumburra were regularly topping the market there as well. In the Murray Valley, the Wangaratta area was prominent with suppliers going to Newmarket, as were the Benalla, Lowan and Horsham areas. The Horsham area was more into prime lambs. It was the biggest sheep market in Australia at one stage. Swan Hill produced prime lambs as well, as did Ouyen. Morwell was a noted area for milk vealers, and they were supplied. Old Sandy Johnson — one of my predecessors, Eddie Hann, bought his farm — used to top the market with bullocks from Rodney.

Mr Robinson — A lot of bull comes out of Rodney, doesn't it?

Mr WELLER — I said bullocks. For the information of the minister at the table, a bullock is a castrated bull.

There was a hive of activity there. Melbourne had a lot of employment based on the farming community. There were agents — and I must confess that as I was going through my life and developing I was an agent at one stage and worked for the well-known cooperative Gippsland and Northern back then. There were agents, there were truckies. It was a big job transporting all the stock to Newmarket. Originally it was rail, but because of the quality assurance and bruising and animal welfare issues, it was less stressful for the animals if they were put on a truck and trucked directly rather than being taken to a rail head and handled again, because there are then more bruising and animal welfare issues. Then there were the drovers at the yards, and there were the government vets. The member for Benalla was indeed a government vet. I am not too sure whether it was at Newmarket, but he would have been there making sure that the stock were in A1 condition and suitable for sale.

Of course, at any market — and Newmarket was no exception — there is a canteen. The drovers, the agents and the truckies all must be fed so they can maintain a high work ethic, as they all did. At the abattoirs there are meat inspectors, and in a former life the member for Lowan was indeed a meat inspector.

It was sad to see Newmarket close. However, all was not lost. There is a heritage part there. The old canteen and some of the offices are now heritage listed, and every year they have a reunion there of the old truckies, agents and drovers and even the buyers, and they relive the tales. It was a very important part of Victoria and indeed Melbourne.

There are other parts of the bill I would like to talk about. The Land (Miscellaneous Matters) Act 1993 mentions that Crown land at Gunbower was sold, and the community of Gunbower would have welcomed this. It would be less Crown land for the Crown to manage. We all know that the Crown has problems in managing the vermin and the weeds on its land, so the Crown should be encouraged to sell off its land and let private enterprise manage it.

Another interesting part in this bill that we talk about is the Land (Miscellaneous) Act 2004. It amended the Melbourne Cricket Ground Act 1933 and the Melbourne Cricket Ground Trust Act 1989. While we have the Premier saying that this government is the only one that recognises sport, indeed it was the acts of our forefathers on other sides of the political ground that went on to create these great sporting venues.

In summary on the bill, all I would like to say is that we must remember that the government is more spin than substance on this and that indeed we have 6100 more pages of red tape than we did in January 2000.

Mr ROBINSON (Minister for Gaming) — I am pleased to have the opportunity to contribute briefly to the Legislation Reform (Repeals No. 4) Bill 2009. It is an important bill, although I have to say that compared to just about every other bill that comes through this place, it is certainly not a sexy bill. It is one that few people outside this place will ever comment on. It is the fourth in the current series, with further bills of this kind to come. This is a process driven in large measure by the Office of the Chief Parliamentary Counsel but also by the office of the cabinet secretary, and it is with that in mind that I am keen to contribute to the debate.

Certainly when I held that position some time ago we were pleased to continue and accelerate the work that had commenced under my predecessor, now the Minister for Housing, to see what further work could be done in order to more quickly tidy up the statute book in Victoria, which is quite extensive, as the member for Rodney has suggested.

Victoria is not unusual in that respect. The program has also accelerated to the point where this is, as I said, the fourth bill in a series, with more to come. Beyond that, I should say in my own current role in the consumer affairs portfolio we are looking to rationalise the number of acts. We have spoken about that publicly, and that will in due course further assist the government's objective of removing unnecessary legislation.

I want to acknowledge the work of the Office of the Chief Parliamentary Counsel. Victoria has been very well served by people who have worked in that office. They do a mountain of work in preparing what we might think is a pretty simple bill. In fact an extensive amount of research and consultation goes on within departments in order to get bills like this produced, and I want to acknowledge the work of the numerous people who have been involved in that process.

It is important to note with this bill in particular that it is more than an exercise in simply reducing the number of bills. That is what most people think of in relation to these sorts of measures. However, in this case the legislation which is referred to, which has been aggregated in this bill, deals particularly with Crown land, and the intention of this bill more than any other is to assist in making future Crown land usage more efficient. I think that is an important point because people's expectations of the way in which land will be used does not stand still; it changes. It continues to change, and it is important that governments and parliaments recognise that.

When looking at the bill one example stood out to me, and it is the Kerang (Alexandra Park) Land Act of 1962.

Mr Delahunty interjected.

Mr ROBINSON — It does. I have never been to Kerang. I am not aware that I have ever been to Alexandra Park in Kerang, but I am sure it is a fine park.

Ms Asher interjected.

Mr ROBINSON — It does not stand out in my memory. I may have been there. I think a few other members might share that sentiment. They may have no recollection as to whether they have been to that particular locality in Victoria. I am sure it is a fine place.

The year 1962, when that act came into being, was a great year. One of the reasons that act was passed and arrangements were entered into subsequently was that it was the expectation of people in that community at that time that provision needed to be made for a drive-in. I will move on one generation to when my children were born. They would not know what a drive-in was. The likelihood is they will never go to a drive-in. The likelihood is that if I sat down and tried to explain to them at any point in their life what a drive-in was and what role it played in the world that I grew up in, they would get very bored and start fidgeting and want to talk about other things. They would certainly have no

interest in pursuing and listening to any dialogue that I entered into along the lines that has been suggested by the Deputy Leader of the Opposition. They are not at an age where they would find that remotely interesting, I can assure her. But it does serve this point: it serves the point of demonstrating how expectations about the way in which Crown land will be used do change.

The member for Rodney gave some other examples about markets which also demonstrate this point. It is important that we find ways in which we can modernise the way land can be used. Removing old provisions such as those referred to in this bill is the way to do that.

I want to take up a point made by the member for Ferntree Gully in his contribution, which was reiterated to some extent by the member for Rodney. I want to tackle his simplistic and largely disingenuous point that the number of pages of legislation is proportionate to the quality of government. I think 99 per cent of governments around the world, whether they are run by conservatives or by progressives, like the Brumby government in this state, oversee a statute book that continues to grow in terms of the number of pages. This is not necessarily a bad thing.

I can give the recent example of amendments to the Gambling Regulation Act. Before it was amended that act contained something like 900 pages and was the largest act in the Victorian statute series. Early on the government proposed to introduce a number of amendments, but because of the process of horse trading to accommodate the aspirations of a number of parties the amendments grew in volume. We ended up agreeing on amendments that ran to more pages than were originally proposed. There are lots of reasons for it, and I do not want to revisit them, but suffice it to say that all parties walked away from the debate and the agreement reached in the upper house concluding that that was a good thing. However, on the other hand we have to deal with the simplistic line that having more pages of legislation is a bad thing. I say quite strongly in this case that it is not a bad thing. It is a good thing, because by adding a few amendments and discussing and agreeing we ended up with a better product. I stand by that, and I know other members stood by that in the debates we subsequently had.

We need to recognise simplistic and disingenuous arguments for what they are — a simple attempt to portray any government legislative measures as bad things when quite clearly the aspirations of people are often in the opposite direction. At different times we all aspire to having further amendments made to legislation because we believe that will result in a better outcome.

This is an important but not hugely sexy bill; we are not going to have other people talking about it or reflecting on it. However, it is important to recognise that the process the bill represents is an important one for government — and it is one we will continue. I encourage all members to support this bill and the process behind it.

Ms ASHER (Brighton) — I wish to make a few comments in the debate on the Legislation Reform (Repeals No. 4) Bill 2009, which the opposition does not oppose. In essence, as other speakers have said, this bill repeals 45 principal acts and 5 amending acts which are mainly about land. Members who have spoken have referred to various acts and their impact on the use of land, so I will not reiterate their comments.

I want to take up a point made by the minister. The member for Ferntree Gully said whilst the government has a program to reduce the number of acts on the statute book by 20 per cent — that is a target it has — and whilst it may boast about getting near its target, the fact is that the number of pages of legislation increased by 5900 between January 2000 and December 2008. Then the minister made a valid point when he looked at a particular example and said that in this instance — and I think this is what he was trying to say — the quality of the regulation had increased because of the increase of the number of pages. In that individual instance the minister may well be right. I am happy to take that point. However, the point the member for Ferntree Gully was trying to make — I think he made it admirably and his argument was distorted by the minister — is that if a number of pages of regulation impact on businesses, then business operators have to read them. If the government wants to talk about compliance, then it is perfectly valid to talk about the quality of regulation and whether it is burdensome or not. Clearly if a piece of legislation is large in volume, business has to read that legislation.

With regard to the example the minister chose, a point made by the opposition is that obviously there is a direct impact on businesses involved. That is not the most conclusive point, but it is valid. In this instance, business still has to read the law, so there is an impact on compliance. If you look at some of the surveys and other material put out by the Australian Industry Group, for example, you see that business lists compliance as a very significant concern.

The Scrutiny of Acts and Regulations Committee examined 45 principal acts and 5 amending acts that are

proposed to be repealed. The committee said on page 3 of its report:

> The identified acts are no longer required because they have taken effect and are spent or redundant.

With regard to amending acts, at page 11 the report states:

> The schedule also repeals five amending acts that contain transitional, saving or validation provisions or substantive provisions. The amendments or repeals made by the acts are wholly in operation … The transitional and saving provisions are no longer required …

That is the correct procedure in this Parliament for dealing with redundant acts. That was not the procedure embarked upon by this government initially. I am pleased to see the government is now embarking on the correct procedure of referring this type of legislation to the Scrutiny of Acts and Regulations Committee.

I want to look at the setting and the broader context of the government's commitment in relation to the reduction of red tape, which all government speakers touched on in their contributions.

In 2006 the Labor Party went to the election on a policy, according to its 2006 election policy, entitled 'Delivering good government' of:

> Repeal all old and redundant legislation to reduce the number of laws by 20 per cent compared to 1999.

In that same policy document the government had another policy on the reduction of red tape:

> Reduce the administrative burden of complying with government regulation by 25 per cent over the next five years.

The government overall, the Treasurer and the Minister for Small Business talk quite frequently about this percentage target of the reduction of regulation and legislation. I have made the point on numerous occasions that simply because certain laws are repealed does not necessarily mean that the burden on business is lifted. There may be laws, for example in this schedule, where there is limited or no burden on business.

If the government wants to get serious about reducing red tape, it probably needs to look at some industry sector reviews rather than simply doing this bland X per cent reduction by a certain point in time. I think the government knew this; the government was well aware of this, because if you look at the government's 1999 policy under 'Taking care of small business' it promised to:

> Ensure an ongoing review of regulations.

Likewise, in 1999 it made the comment:

> Labor believes in minimising the regulatory burden on small to medium-sized business.

It put forward the following solution:

> Labor will establish an ongoing review of regulations and put in place an effective system of regulation impact assessment.

It appears to me that that policy which Labor issued in 1999 may bring the government a better outcome than simply designating a certain percentage reduction in the number of laws or regulations. I can see why the government walked away from that promise, because it is actually a much tougher task than the task it has now set for itself.

Likewise, in the 2002 election the government made the election promise that it would:

> Ease the burden of regulation on small business by requiring that any new regulation takes into account and minimises the variation in compliance costs between small and large businesses, and by continuing a program of industry sector reviews of regulation to accelerate the removal of regulations that are outdated or obsolete.

I urge the government, rather than focus on its current policy of percentage reductions, to take a look at its 1999 and 2002 election commitments, which it has not met. I would suggest to it that that may result in a better outcome for business. In fact I would also urge the government to look at the Victorian Competition and Efficiency Commission documentation in relation to red tape, because the VCEC has reported time and again on the volume of red tape that this government has created.

A report released only a few weeks ago entitled *The Victorian Regulatory System 2009* makes the following observations:

> In 2007–08, the 29 regulatory impact statements assessed by the Victorian Competition and Efficiency Commission (VCEC) and released for public comment estimated costs of over $1 billion. This report identifies 65 business regulators that employ over 8000 staff, administer almost 2.4 million licenses, have annual expenditure of over $2.3 billion and recoup more than $500 million through fees.

I would not get too excited about repealing 45 principal acts and 5 amending acts when the VCEC has drawn this volume of regulation to the government's attention. It is this problem of removing the burden on business that the government should act on. I refer to page 2 of the report:

> At 1 January 2009, Victoria's business regulators administered 188 acts, comprising 26 096 pages. While the number of acts had decreased since 1 January 2008 (from 191), the number of pages had increased (from 25 617) …

So VCEC thinks it is all right to count pages:

> In addition, these regulators administered 218 regulations (up from 209 in 2008) comprising 8561 pages (up from 8311) and over 370 codes of practice (up from 352 in 2008).

VCEC has pointed out very clearly to government that the regulatory burden has increased in the last year. This government has gone to the election on a platform of reducing red tape. We are quite relaxed about the bill before the house, but the government needs to do a much better job.

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak on the Legislation Reform (Repeals No. 4) Bill 2009. As other speakers have mentioned, this is part of the government's commitment to reduce the number of acts of Parliament by 20 per cent from the number in place in 1999.

Firstly, reducing acts of Parliament, as I have previously mentioned when speaking on such bills, fits into the idea that the solution to problems should be as simple as possible. That stems from the philosophical work of William of Ockham, a 14th century philosopher and monk, to whom is attributed the famous Ockham's razor, which is often quoted as 'Entities should not be multiplied unnecessarily', al though so as far as I am aware his works actually posited such things as 'Plurality must never be posited without necessity' and 'It is futile to do with more things that which can be done with fewer'.

There are a number of justifications for this sort of simplicity. The idea of simplicity is often confused. Referring to Ockham's razor does not imply that you have as simple a solution as possible but that you have the simplest solution that works. I think that neatly summarises the government's approach to these sorts of issues — that you have the fewest number of acts as possible which achieve the objectives of the Parliament's wishes but that does not mean you have as few acts of Parliament as possible. There is a subtle difference which is often lost.

I think simplicity has a justification beyond the simple idea of cutting red tape. It also assists the political process. Many acts of Parliament — frankly it is almost impossible for an ordinary citizen to be across the various acts that exist — have been passed by this house. Simplifying the number of acts allows greater access to the political process for laypersons seeking to examine those acts, find a relevant act and understand what acts Parliament has passed.

That relates to one of the justifications for the theory of simplicity which was put forward by the Austrian philosopher Karl Popper. Members might be aware that he was a great opponent of totalitarianism. Karl Popper was also a theorist on science and was a great fan of what became the concept of the falsifiability criterion. Essentially, that is that truth is not found by seeking to prove that your idea is true but rather by establishing a hypothesis which would produce measurable results, and by establishing empirical experiments which would allow such results to be falsified; if they are falsified, then the hypothesis would be shown not to be true.

In some ways that relates to law and politics insofar as — there are some analogies — if you have sets of laws which are understandable and as simple as possible, it is easier for the voting public to make judgements about whether or not they are appropriate, and easier for them to make judgements about whether they reject or support such acts of Parliament. There is a political logic to simplifying the legislation in Victoria, as well as one of just simple necessity and administrative ease.

It is often said that modern bureaucratic language is impenetrable, but a simple glance at an old act of Parliament would disabuse anyone of the notion that we are in some sort of intellectual decline; that a previous era was a golden age of the use of the English language; that persons were easily able to understand formal documents, and that we have fallen into a new dark age. That sort of idea is often put forward in the public discourse, but frankly it is simply untrue.

For example there is a subsection in the South and East Melbourne Lands Act 1906 that is one sentence. I want to read it into *Hansard* just to demonstrate the appalling language which was commonly used in legislation and which made it impenetrable for any layperson to read — and it is another reason to repeal an unnecessary act. The subsection states:

> (2) It shall be one of the conditions of sale that the said Board shall pay a deposit of One thousand pounds and, subject to duly providing for the payment of a sum of One thousand three hundred pounds six shillings and threepence and interest charged to the said Board as part of its liability to the Treasurer of Victoria under section sixty-one of the Melbourne and Metropolitan Board of Works Act 1890, shall pay the balance of One thousand six hundred and ninety-nine pounds thirteen shillings and ninepence in not more than ten equal instalments on the last day of each successive period of twelve months from the time of the sale and that such balance of the price shall bear interest at the rate of Four pounds per centum per annum to be computed with respect to each instalment for the period which has elapsed between the time of sale and the end of each successive period of twelve months for which the payment of such instalment is made.

That is one sentence in an act, and I challenge anyone to remember it. If anyone thinks there was a previous golden age and that bureaucratic language is a new invention, I simply ask them to read the statute book. It makes sense to repeal such laws when they are unnecessary.

This is a good bill. It continues the delivery of our promises to reduce the number of acts of Parliament on the statute book, and it will make the understanding of the law much easier. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Legislation Reform (Repeals No. 4) Bill. The Nationals, in coalition, are not opposing the bill. Its purpose is to repeal spent and redundant acts and amending pieces of legislation. It seeks to repeal 45 principal acts and 5 amending pieces of legislation with either transitional or substantive provisions, and there is a very extensive list of acts.

The Nationals have a couple of concerns about the bill. While there is nothing particularly controversial about it, a broad number of acts concern a range of policy issues principally to do with land and national parks. This bill seeks to repeal a number of acts relating to changes in land status or projects supported by government.

This program is part of the Brumby government's program to reduce the number of principal acts that operated in 1999 by 20 per cent. In January 2000 there were 544 principal acts on the statute book. By 1 January 2007 this figure had increased to 579 acts, and by 1 January 2008 the figure had reduced to 527 acts. The nos. 1, 2 and 3 repeal bills reduced the total number of principal acts to 496, and the no. 4 repeal bill will reduce this figure to 451, requiring 16 additional principal acts to be removed for the government to achieve its target.

While the government is seeking to reduce the number of acts on the statute book, the number of new pages of legislation enacted by this government increased by more than 5900 pages. The number of acts is down but the complexity is up. Between January 2000 and December 2008, 12 000 new pages were enacted and only 6100 pages were repealed. It appears that our efforts to make life simpler are going to be quite difficult.

Most of the acts are about land and national parks, and that is a big issue in Mildura. Sizeable portions of my electorate are set aside for national parks. We have a lot of complex land issues that arise because of the interaction between farming, urban areas and national parks, and there are difficulties in managing some of those. I will highlight to the house a couple of them which are works in progress for solutions. I am urging the government to come up with solutions to these two particular issues.

The first one involves a property called Pine Plains. Its location is just west of Patchewollock in my electorate. It is unique in that it is a piece of freehold land within a national park; it is a tourist destination. When the area became national park the owners went into tourism, but a number of access issues have arisen as a result of having freehold land locked within a national park. They have a long and difficult history in trying to resolve this issue.

The road access is the first and principal problem. The road has deteriorated over the years. As happens with all country roads, it was graded down and graded down, and then when finally we had some rain — and that has been extremely welcome in my electorate — it turned into a lake. This is making access for tourists, who often book a fair way in advance, quite difficult.

The other difficulty is that the airstrip that serviced the property now sits in the national park, and it seems it is impossible to resolve how tourists can access an airstrip in a national park to assist a business that is set up on freehold land within that national park. It has a long and difficult history, and I urge a resolution, particularly if we are serious about supporting regional tourism and local employment.

Another long-running issue is to do with a small amount of building encroachment onto some Crown land just down from Merbein along the Murray River. It appears that part of the building is encroaching on Crown land. There could be a dispute around the fact that when that area was surveyed the high-water mark was the boundary marker and that riverbanks erode and move. Given that the building is only a few metres over the boundary, it will depend on how you manage these issues and where the high-water mark was. It is only a small piece of land of some 400 metres known as 33A, which is just downstream from Merbein. That needs a solution as well.

Although we will be repealing a lot of acts, a lot of the issues and problems with the integration of government land, national parks and private individuals continue. Because of the issue with the New South Wales-Victoria boundary along the river there is also an ongoing difficulty for irrigators in getting through the process of laying a pipeline across a small sliver of land that runs along the river when they want to do an irrigation development or upgrade their irrigation

system. Victoria created a small easement of public land, and that too complicates the issue of access to the river for irrigation.

Those issues about the principal acts that are being repealed having been raised, I conclude that The Nationals will not be opposing this bill.

Mr BROOKS (Bundoora) — It is a pleasure to be able to join the debate on the Legislation Reform (Repeals No. 4) Bill. As previous speakers have said, this bill is part of the Brumby government's commitment to reducing the number of old and redundant pieces of legislation, as was outlined in the policy commitments of this government prior to the last election. That commitment was to reduce the number of redundant pieces of legislation by 20 per cent, compared to the levels in 1999.

A number of speakers opposite have tried to indicate that, despite the work of this government in reducing old and redundant legislation, somehow there is still a problem with too much red tape across Victoria. It is important to remember that the reforms that this government has put in place — wide-ranging reforms; not just in this particular area — have set the conditions for an economy that continues to perform much more strongly than it otherwise would have and certainly much more strongly than many of the other states around this country.

I remind members that Victoria's economy in the year 2007–08 was 3.2 per cent — the highest economic growth rate of the non-resource states. Since 1999, when this government came to power, Victorian employment has increased by 461 000 persons — or in a percentage figure, over 21 per cent — and it increased in May 2009 by over 11 000 people.

Victoria has recorded the highest number of building approvals, ahead of both Queensland and New South Wales. That, again, shows the confidence in the Victorian economy, and that is in no small part due to the fact that this government has introduced reforms to reduce red tape and make the environment more efficient for businesses to be able to get on with the job of doing business and employing people.

As an indication of that success, Victoria's population in 2008 increased by over 100 000 people, and that is the first time since at least 1971 that the population in Victoria has risen by that number. In 2008 Victoria's population grew by 1.95 per cent, which was higher than the national growth rate.

We have got strong economic performance, strong population growth and strong building approvals, which indicates that things are going well in Victoria. If you listen to those opposite, you hear them trying to paint a picture of too much red tape and saying things are not going well, but this Victorian economy consistently outperforms those of other states. It is about time members opposite started supporting Victoria rather than trying to talk it down all the time.

A number of members, including the member for Brighton, mentioned the Labor Party's policy at the last election on cutting red tape. Let us have a quick look at the Liberal Party's policy on cutting red tape on small business, as it announced it at the last election.

Under the heading 'Cutting unnecessary regulations' it listed a number of acts: the Child Employment Act 2003, Outworkers (Improved Protection) Act 2003, Federal Awards (Uniform System) Act 2003, Occupational Health and Safety Act 2004 and Road Safety (Heavy Vehicle Safety) Act 2003. What a shameful list that is. The opposition, under the guise of cutting red tape, has sought to attack probably some of the most vulnerable workers in the community.

This bill was introduced into the house on 10 March 2009. On 12 March the Assembly referred it to the Scrutiny of Acts and Regulations Committee. I am a member of that committee, and I would like to commend the members of that committee for their consideration of the bill. The role of the committee when it considers acts such as the ones listed in the bill is to ensure that they are spent and no longer necessary, and that the bill is confined to the repeal of redundant or spent principal and amending acts.

The focus of this bill is in relation to particularly Crown land and changes in land status. The Scrutiny of Acts and Regulations Committee received evidence from the chief parliamentary counsel, Mrs Gemma Varley. Mrs Varley also provided the committee with the appropriate certification, which is attached to the Scrutiny of Acts and Regulations Committee report. The committee recommended to Parliament that the matters contained in the bill — the repeal of the 45 spent principal acts listed in the schedule to the bill and the 5 amending acts in the schedule, which contain savings, transitional or validating provisions — are appropriate.

That was a fairly clear indication of support for the bill. It also noted that there was correspondence from the committee to the relevant minister about the Footscray Land Amendment Act 1990, which for some reason remains unproclaimed. I am happy to support this bill and commend it to the house.

Mr THOMPSON (Sandringham) — The Legislation Reform (Repeals No. 4) Bill traverses a wide part of Victoria in its application and scope. There are a number of aspects to it. One line of thought would be an examination of the purpose of the original acts and what they sought to achieve in the development of Victoria's history.

Another aspect of the bill removes obsolete legislation from the statute book, and there has been some comment on its impact on economic activity in Victoria. In improving opportunity in Victoria one needs to remove the burden on small business, which is the engine room of economic growth and the sphere of activity which is adaptive to change and innovation.

Last night there was a display in Queen's Hall where a number of people spoke on innovation in the information and communications technology area. They covered subjects such as human genome research, agriculture, communications, logistics and transportation and how Victoria as a state can become more competitive globally at a rate that is not just equal to but faster than that of our competitors. I pay tribute to the scientists who were there last night and who display great innovation and enterprise as they develop their projects. In relation to human genome research, a project that a few years ago would have cost a few million dollars to develop can now be processed at short notice within an individual laboratory for some $10 000.

The bill traverses much of Victoria, covering the areas of Albert Park, Alexandra, Allendale, the Alpine National Park, Bacchus Marsh, Bairnsdale, Ballarat, Barrabool, Beaufort, Beaumaris, Belmont, Benalla, Bendigo, Birrarung Marr, Bittern, Bogong, Boort, Box Hill, Bullarto South, Bundoora, Buninyong, Burnley, Carisbrook, Carlton, Carrum, Cobden, Coburg, Colac, Coleraine, Coliban, Colquhoun, Cranbourne, Creswick, Dandenong, Daylesford, Deutgam, Dingee, Drysdale, East Melbourne, Eildon, Eltham, Emerald, Epping, Fairfield, Faraday, Fawkner, Frankston, French Island, Geelong, Gembrook, Glenrowan, the Grampians, Gunbower, Hastings, Hawthorn, Heatherton, Heidelberg, Jan Juc, Janefield**,** Jindivick, Kangaroo Flat, Kaniva, Keilor, Kerang, Kew, Korkuperrimul, Kororoit, Kyneton, Lake Victoria, Langwarrin, Launching Place, Lorne, Maffra, Malvern, Mandurang, Mandurang South, Marong, Maryborough, Melbourne, Melton, Mildura, Mirboo North, Moolap, Mordialloc, Moreland South, Mount Hotham, Mount Martha, Murmangee, Myamyn and Myrniong.

The bill also covers Nagambie, Narracan and Narre Warren. I am not sure whether the spelling of Narre Warren in the bill is a typographical error. It is my understanding that Narre Warren is spelt 'Narre Warren'. In the bill there is a reference to 'Narrea Warren'. It may be an earlier indigenous spelling or it may be a typographical error, and I would be pleased to take the advice of the legislation officers in the chamber on the matter. The bill also goes to Newmarket, Nillumbik, Nunawading, Orbost, the Otways, Phillip Island, Point Nepean, Pomonal**,** Pompapiel, Portarlington, Port Fairy, Port Melbourne, Prahran, Queenscliff, Rich Avon, Romsey, San Remo, Seaford**,** Skenes Creek, South Melbourne, South Yarra, Spencer Street, Stawell, St Kilda, Sunshine, Tarneit, the Thomson River Railway Bridge, Toolangi, Torquay, Trentham, Wangaratta, the Warby Range, Warrenheip, Warrnambool, Wendouree, Whittlesea, Wombat, Wurdi Youang, Yackandandah, Yarra Bend and Yarram.

For the benefit of parliamentary counsel I would be happy to repeat the list. I can assure them that I have a copy of those names. That list of names illustrates the point that the Legislation Reform (Repeals No. 4) Bill traverses a large part of Victoria in its scope and deals with a large part of Victoria's history. A number of years ago parliamentary counsel referred to a bill of this nature as succinctly and evocatively recalling part of Victoria's history. That is a very fine reflection, as we look at the bill.

My principal focus in dealing with the bill will be on one of the places mentioned, Beaumaris, which is in my electorate. The bill deals with the area of land addressed under the Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Act 1994, which dealt with a number of places, one of which was Beaumaris. At the time of the original legislation there was an exposition by my friend and former parliamentary colleague the Honourable Geoffrey Connard in which he indicated what the issue was. It related to the Beaumaris Motor Yacht Squadron and a sliver of land that needed to be excised within its title to give it a proper leasehold coverage of the area addressed by the lease. The Beaumaris Motor Yacht Squadron is one of the great sporting clubs around Port Phillip Bay, a number of which are in my electorate and include the Sandringham Yacht Club, half a dozen lifesaving clubs and the Black Rock Yacht Club. In the 1960s an area of the coastline at Beaumaris was reclaimed to establish a boating facility for an organisation with over 600 members and a strong membership demand for boat launching facilities on Port Phillip Bay.

Given the expected growth of Melbourne's population over the next 20 years, there needs to be adequate provision of worthwhile infrastructure to match that

growth. The government has not kept up with infrastructure development in public transport or with the demand for water supply and drainage needs for metropolitan Melbourne. The Labor Party is also not keeping up to speed with waiting lists and the serious demand for improved turnaround times for the delivery of services in our hospitals.

The Beaumaris Motor Yacht Squadron has a fine facility on Port Phillip Bay, and some very good work was done by two former members in the other place, Geoff Connard and Mark Birrell, to enable an excision of land for the benefit of the squadron. Good representations were made at the time by the Beaumaris Conservation Society and Geoffrey Goode. Mr Goode is a highly respected advocate in that particular field who has done some excellent work on behalf of the Beaumaris community and the Port Phillip Conservation Council as an erudite and astute advocate on good reforms to be undertaken to benefit future generations.

Another area of land that was addressed by my colleague in the other place during the early 1990s was the Beaumaris heathland, an area of land that I understand was owned by the education department and needed to be excised for longer term community benefit as a flora and fauna reserve and a heathland area. As I said, that issue was addressed in the other place.

The member for Higinbotham at the time, the Honourable Geoffrey Connard, convened a meeting at the Beaumaris Motor Yacht Squadron with the key stakeholders on the Beaumaris land in question, where representatives of those with an interest in conservation and representatives of the Beaumaris Motor Yacht Squadron, including past commodores Peter Anderson and Derek Jones, did a very good job in brokering a solution that was ultimately accepted. It enabled the club to use that as a springboard to consolidate its lease.

In the case of the Sandringham Yacht Club, clear leasehold title to land has enabled the club to embark upon other projects and reforms. It will enable the balance to be achieved between worthy conservation objectives. In Beaumaris some long-term work has been done by local constituents to preserve the amenity of the neighbourhood — the heathland, the trees and the flora of the region — as well as make sure that there is good infrastructure for the range of sporting activities that take place in the area.

Port Phillip Bay, with a catchment of some 10 000 square kilometres, serves not just the local area but the whole community of Melbourne, and it is important that it be managed in an effective way. This bill as it relates to that land will enable good work to be undertaken for the benefit of members of the bayside community.

I commend the bill to the house, noting on the issue of red tape that the key nerve centres are more in the area of land tax, stamp duty and regulations governing business which have an overhead cost, and can impede business in the longer term. That is where the focus of the government should be, rather than on lauding the reduction of legislation with bills like this.

Ms KAIROUZ (Kororoit) — It gives me great pleasure to contribute briefly to the debate on the Legislation Reform (Repeals No. 4) Bill. It is a very straightforward piece of legislation. At the outset I thank the Scrutiny of Acts and Regulations Committee (SARC) for all the work it did when the bill was referred to it for inquiry, consideration and a report.

The objective of the bill is to repeal a number of redundant and unnecessary acts of Parliament. The bill is part of the government's legislation reform program and delivers on the commitment to identify and repeal old and redundant legislation. At the last state election in November 2006 the government made a policy commitment to improving the efficiency of the government. One measure identified for achieving this objective was to thoroughly review all Victorian statutes. The bill before the house is the fourth bill in the government's legislation reform program. Once passed it will repeal a number of spent and redundant acts and contribute to the government's target of reducing the statute book by 20 per cent.

The government has instituted a legislation reform program to implement this policy. The Office of the Chief Parliamentary Counsel (OCPC) has been reviewing Victorian legislation in consultation with departments and has nominated acts for repeal. As I said, this is the fourth bill in the series; the previous three bills that were passed during 2008 repealed approximately 150 Victorian acts between them. The bill will bring the total to approximately 200.

The acts identified for repeal relate largely to legislation that revoked permanent reservations over and grants of Crown land and that deemed the land to be Crown land. Acts to be repealed also provide for the reserving or vesting of certain land, the surrender of land to the Crown, the sale or leasing of land, the discharge of mortgages and easements, the revocation or appointment of trustees or committees of management, and they provided that no compensation was payable arising from matters under those acts. A number of acts provided leasing powers that are now contained in the

Crown Land (Reserves) Act 1978. This type of legislation is often required to provide changes in land status to support government projects or projects that are supported by government.

The acts to be repealed have been identified as being suitable for repeal following extensive consultation and a review of legislation by the Office of the Chief Parliamentary Counsel and the Department of Sustainability and Environment. As part of the review process DSE consulted relevant municipal councils and government agencies to ensure that the purposes of the acts had been exhausted and that no leases still applied to parcels of land dealt with by the acts being repealed. As I said, this bill has also been referred to SARC for inquiry, consideration and reporting. It is anticipated that there will be at least one more bill in the series, and I am sure we will see that introduced into this house soon.

The Legislation Reform (Repeals No. 4) Bill is compatible with the human rights protected by the Charter of Human Rights and Responsibilities Act 2006, and the repeal of acts listed in the schedule to the bill will not engage any human rights protected by the charter.

Section 14(2)(e) of the Interpretation of Legislation Act 1984 provides that the repeal of an act or a provision of an act does not affect any right, privilege, obligation or liability acquired, accrued or incurred under that act, unless the repealing act expressly provides for a contrary result. This bill does not seek to affect any person's existing rights, privilege, obligation or liability, but simply repeals the acts specified in its schedule. I am happy to support this bill, and I wish it a speedy passage.

Mr BURGESS (Hastings) — It is a pleasure to rise to speak on this bill. The bill seeks to repeal 45 principal acts and 5 amending pieces of legislation, with either transitional or substantive provisions. This program is part of the Brumby government's program to reduce the number of principal acts that operated in 1999 by 20 per cent. In January 2000 there were 544 principal acts on the statute book, and by 1 January 2007 this figure had increased to 579 acts. By 1 January 2008 this figure had reduced to 527. The repeals nos. 1, 2 and 3 bills reduced the total number of principal acts to 496. The repeals no. 4 bill will reduce this figure to 451, requiring another 16 principal acts to be removed for the government to achieve its target.

Whilst the government is seeking to reduce the number of acts on the books, the number of new pages of legislation enacted by this government has increased by more than 5900 between January 2000 and December 2008. It is important the government bears in mind that it is not just the acts the community is looking to have reduced but the red tape issues that go along with those acts.

The bill repeals some 50 pieces of legislation, and some of those pieces of legislation deal with areas in my electorate. In fact the Bittern Land Act 1974, which is act no. 8535, deals with a very important part of my electorate which is being affected in a number of ways by various pieces of legislation and policies of the state government. It is clearly part of the plan under the Port of Hastings Corporation to expand the port of Hastings. Acting Speaker, you would be aware that the opposition policy is to keep the expansion of the port of Hastings to the north of Hastings. The plan the government is putting forward would impact quite heavily on the township of Bittern. Obviously there are things that go along with that, including the inability of the roads around the Bittern area between Hastings and Bittern to cope with any of the port-related traffic that it has been suggested would be using those roads.

If the government's plan goes ahead, the proposal for a bitumen plant at Crib Point, which the Minister for Planning has on his desk at the moment, will be impacted upon. Crib Point is the township adjoining Bittern. Bittern would be required to suffer the bitumen trucks going from the plant to the city. I call on the minister to prevent that from happening, and I hope to hear about that matter very shortly.

The next piece of legislation that deals with an important part of my electorate is the French Island (Land Exchange) Act 1981. French Island is a great place and is full of great people. It is one of the few areas that does not have a municipality to look after it. The people who live on French Island are a self-sustaining group. The government should be encouraged to support them more than it currently does. There are a number of issues there on which the government should be concentrating more, including looking after the roads. When there is a headline to be had on the biosphere, members of the government are likely to be in the photograph; but when it comes to fixing the roads in the area, they are not keen to be involved.

The next piece of legislation that deals with an area of my electorate is the Land (Miscellaneous) Act 1995. That act revoked or partly revoked a number of orders in council and a Crown grant in respect of reserved land at Geelong, Wendouree and Langwarrin. Langwarrin is another very important part of my electorate. It is a township of 20 000 people that does not have a library

or a swimming pool. It is poorly serviced, suffers from lawlessness — particularly graffiti and hoon driving — and the government — —

The ACTING SPEAKER (**Mr Ingram**) — Order! The member for Hastings should remain on the bill. Just because the bill repeals land acts it does not mean the member can speak at length about towns in his electorate.

Mr BURGESS — Thank you, Acting Speaker, I will take your advice on that. Just finishing up on Langwarrin, hoon driving is obviously a major problem there, and the community wants to have the railway station reopened. That was the final piece of legislation that deals specifically with my electorate.

I draw your attention, Acting Speaker, and the attention of the house to a letter from the chief parliamentary counsel. It says:

> In accordance with the usual practice for this kind of bill, I certify that the schedule to this bill contains only repeals appropriate for a redundant legislation repeals bill. The relevant department has confirmed that the acts proposed to be repealed by the bill are now obsolete or redundant or spent in their operation and can be safely repealed. Any transitional, saving or validation provisions in the acts to be repealed will be saved by section 14 …

I quote that letter to underscore the fact that the opposition is in the hands of the government, which has given an assurance that these acts are redundant and can be repealed without any danger.

Ms MARSHALL (Forest Hill) — I am very pleased to rise to make a short contribution to the second-reading debate on the Legislation Reform (Repeals No. 4) Bill 2009. The Brumby government has made significant progress with regard to the modernisation of legislation, and this bill is not a new measure. We can go back to the wonderful initiatives of the Bracks Labor government and see that just as much importance was put on the updating of the statute book and the reduction of the administrative burden on all Victorians.

At the time the initiative was considered to set an ambitious target. It is fantastic to see that whilst the target was set and achieved, it continues to be a high benchmark for the Brumby Labor government. It is watched carefully and admired around Australia, and there are attempts to duplicate it.

The overall objective of the bill is to repeal a number of redundant and unnecessary acts of Parliament. The bill is part of the legislative reform to which the Brumby government has committed. It is delivering on its commitment to identify and repeal old, redundant legislation with a view to reducing the number of Victorian acts by 20 per cent. Again, this is recognised as an ambitious target, but we have absolute faith that it can be achieved.

At the last state election in 2006 the government committed to improving the efficiency of government. We only need to look at the complex nature of much of the legislation to see that for a layman or for our constituents the interpretation of legislation can be difficult to say the least. One of the measures the Brumby government initially used was to identify, through a thorough review of all legislation, which Victorian acts were redundant. By repealing old and redundant legislation, the government is aiming to implement a significant review over the next few years. It is expected that this will not be the final change; we expect that there will be at least one more bill in this series — this being no. 4.

The bill will bring the total number of redundant acts being repealed to just over 200, I believe. The acts identified for repeal largely relate to legislation that revoked permanent reservations over and grants of Crown land and deemed the land to be unalienated Crown land. Acts to be repealed also provide for the reservation or vesting of certain lands, for the surrender of land to the Crown, for the sale or leasing of land, for the discharge of mortgages and easements, for the revocation or appointment of trustees to committees of management, and that no compensation is payable arising from matters under these acts.

The acts have been identified as suitable for repeal following an extensive review of Victorian legislation by the Office of the Chief Parliamentary Counsel and the Department of Sustainability and Environment. The bill has been referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report. There has been consultation on a number of areas.

As part of this review process the Department of Sustainability and Environment consulted relevant municipalities and government agencies to ensure that the purposes of the acts have been exhausted and that no leases apply to any parcels of land concerned. This is a terrific piece of legislation. I understand the implications of this review process for my constituents, because many of them have said to me that they are finding it easier to understand legislation as a result of it. 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.

FOOD AMENDMENT (REGULATION REFORM) BILL

Second reading

Debate resumed from 24 June; motion of Mr ANDREWS (Minister for Health).

Ms ASHER (Brighton) — I wish to make a few comments on the Food Amendment (Regulation Reform) Bill. The member for Caulfield has already indicated that the opposition does not oppose this bill, although she did raise a number of concerns about the shortness of the time frame for debate given the long gestation period of the Victorian Competition and Efficiency Commission report and the process the government has embarked on to get to this point in its food regulation reform.

Essentially the bill puts forward a reform process which is primarily to put the regulation of food businesses at the local government level. The intention of the government is to reduce compliance costs for the food industry. The current system for classifying food service businesses is a two-class system, and this bill will increase the number of classes to four. Currently class 1 is for businesses which deal with high-risk food preparation — for example, for vulnerable groups such as the elderly and people in hospitals. Class 2 relates to all other types of food service businesses and involves medium-risk food preparation. The bill provides for a system of four classes, with a range of concomitant changes.

The bill responds to key criticisms made of the system by community groups who want to run functions, sausage sizzles and other events, and the government has moved to address some of those concerns and remove the regulatory burden which has been criticised by such organisations as the Institute of Public Affairs. This is another bill that is part of the government's overall framework for reducing red tape. In 2006 the government announced its policy to reduce red tape, and that policy was reflected in the August 2006 statement entitled *Time to Thrive — Supporting the Changing Face of Victorian Small Businesses*, page 4 of which states:

> To reduce the burden we will:
>
> > cut the existing administrative burden of regulation by 15 per cent over three years, with a target of cutting 25 per cent over the next five years;

That is the framework for the government's reform. I again make the observation that the government is refusing to indicate a starting point for determining how many sets of regulations were in place at the time this process began, so it is almost impossible to ascertain whether the government will meet its target of 15 per cent or 25 per cent. At Public Accounts and Estimates Committee hearings the Minister for Small Business, who ostensibly has carriage of this reform program, has refused time and again to delineate the list of regulations impacting on business and which are subject to reduction under this program. It sounds great to have a certain percentage of reduction by whatever year, but the government is making sure that it cannot be trapped on that commitment, which is both an election commitment and a small business commitment through its major policy statement on small business entitled *Time to Thrive*.

This bill poses a dilemma. On the one hand there is an increased number of classifications, which industry wants and community groups have asked for, but on the other hand there is a reduction in compliance requirements. I make the point that rather than focus on a percentage reduction, a quantitative reduction, of regulation with this bill the government should have a qualitative reduction of regulation. The government may wish to look at that for the future.

At this point I will refer to the report of the Victorian Competition and Efficiency Commission which generated this process. In the second-reading speech the government says it referred the issue of food regulation to VCEC. It is interesting to note that the terms of reference were referred by the then Treasurer, who is now the Premier, on 14 September 2006. That is how long this process has taken. Again, I point out that it is a huge bill and we have only a short time in which to debate it.

The VCEC review was described as a 'first hot spot review' of regulation as part of the government's wider program. The VCEC report was published in September 2007 and is entitled *Simplifying the Menu — Food Regulation in Victoria — Overview and Recommendations*, page 9 of which states:

> The costs of meeting Victorian regulations are thus relatively low: —

that is, in the food sector —

> around $138 million annually for the business sector (a small fraction of food sector turnover) and $6–13 million for the not-for-profit sector (hospitals, aged care, child care and community activities'.

Whilst those figures seem huge to us, they indicate the extent of burdensome regulations on business in terms of cost.

This review was one of the government's first cabs off the rank. At page 9 the VCEC report also states:

> At state level, the government can reduce regulatory costs by at least $34 million per year …

But what we see in the bill is not a reduction by $34 million per year, because not all of the VCEC recommendations were accepted by the government. I draw the attention of the house to the fact that the Victorian food industry is huge — it employs 370 000 people, or 14 per cent of the workforce — and generates $6.8 billion in exports. The government had an opportunity to do more.

The Victorian government's response to the VCEC report picked up a range of reforms at national, state and local government levels. I will concentrate on the recommendations the government received at state level. The government supported nine of the VCEC recommendations in toto and another nine were supported in principle or in part. The government's explanation is that there was not complete support for those nine recommendations. Two recommendations were rejected outright. If this was a 'hot spot review' and the targets for business cost reductions were low compared with other areas where the government is seeking to have the regulatory and compliance burden reduced, the government had an opportunity to do far more than it has done with the bill before the house.

I refer in particular to recommendation 8.8 on page 43 of the VCEC report, which states:

> That the Department of Human Services conduct a trial of food safety service agreements involving a small sample of councils in Victoria.

That recommendation was rejected by the government.

Recommendation 9.3 of VCEC's report calls for amendments to the Food Act to:

> … require the registration of a food business rather than premises, and that references to food premises throughout the act should, wherever necessary, be amended to references to food business.

That recommendation was not supported by the government.

I make the point that the government makes a lot of claims about reducing red tape, but in this instance the government called it one of its 'hot spot' reforms. The government rejected many of VCEC's recommendations and clearly has had an opportunity to do a great deal more. Again I make reference to *The Victorian Regulatory System 2009*, a document compiled by VCEC and released just a couple of weeks ago.

VCEC indicates at page 2 that in the last year there has been a significant increase in regulation by this government. I draw this to the attention of the house and say, 'Ignore the rhetoric of this government'. It makes much noise about a percentage reduction in regulations but has refused to supply the verification for that. In this particular instance the government could have done far more because it has rejected or not accepted a range of recommendations from the Victorian Competition and Efficiency Commission. If you believe the latest VCEC report, the government has presided over significant increases in regulation over the last year.

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak in support of the Food Amendment (Regulation Reform) Bill 2009. As other speakers have said, the food industry is of vital importance to Victoria's economy. Figures given in the second-reading speech indicate employment of about 370 000 people and exports to the total of $6.8 billion, which is well over 2 per cent of gross state product and is a very significant contributor, so it is vital that any regulation of the food industry inspires confidence amongst consumers.

As members and people in the broader community know, consumption of food outside the home is increasing as the wealth of the community has trended up over decades. The value of meals that are consumed outside the home at venues that would be regulated under this bill has increased as a proportion of people's expenditure and has led to the growth of an entertainment, cafe and restaurant culture that has added greatly to the attraction of Melbourne, and Victoria as a whole, as a place to live and enjoy a fruitful life.

In dealing with health regulation, as has been mentioned, there are two key criteria for regulation of these industries. One is to protect the public health, and I cannot emphasise how important that first aspect is. The second is not to impose unnecessary burdens on business, allowing the food sector to grow and continue to create employment and opportunities for the wonderful lifestyle that people enjoy in Victoria.

Food safety has long been an issue in the public domain. Members might be aware that the original muckraking journalists in late 19th century America conducted campaigns, part of which were focused on food safety. The food safety standards in the 19th century were appalling, and there were a lot of issues around the food processing industry at that time. That is one of the issues that gave rise to modern investigative journalism.

In addition, a major food scare can cause a collapse in confidence in a particular industry. I need only point to the baby-milk-powder industry in China, which recently caused a mass poisoning. That had a significant impact on that industry and the reputation of the companies involved. There is a need to protect people; but it is a vicious cycle when it protects the interests of the companies involved in the production of food as well.

As mentioned previously, the government requested the Victorian Competition and Efficiency Commission (VCEC) to recommend measures to improve regulation of the food industry. This bill is a result of that process.

The bill clarifies the roles and responsibilities of local government and the Department of Human Services. Food inspection, as anyone who has worked as a member of Parliament or in an electorate office would know, is largely the responsibility of local government. It continues to be so under this bill. For example, the written directions which this bill allows the minister to give to a council regarding any matter concerning the administration of the act cannot be made about a particular food premises or proprietor; that remains the role of the councils. It indicates that the minutiae of implementation in individual cases remains with councils.

There was a scandal some years ago in Victoria around pork rolls which had been sold in Springvale. The member for Clayton is sitting next to me; I am sure he will recall that incident. People who are well known to both of us had to be hospitalised during this time. Food safety can have very serious health impacts, and food poisoning is not a joke.

A particular aspect of the bill that I want to touch upon is mobile food vendors — the scheme for market stalls and food vans. The current arrangements are that market stalls and food vans have to be separately registered in each municipality in which they operate. The bill amends this restriction to create a single registration notification system for temporary or mobile food premises and food-vending machines.

This registration notification system will apply to municipalities across the state and will result in a substantial simplification of the registration of mobile food providers. This is a sensible measure which will not in any way reduce the health requirements on food vans, because they will still have to be registered. However, it will simplify the business operations. I am sure members would be aware of traditional providers in this area like ice cream vans, hotdog stands, kebab vans and other mobile food vendors who often service cultural events like sporting events or festivals and provide an important adjunct to the permanently located food providers.

This is a sensible piece of legislation, which protects the community. It is an example of where the community is protected; but for business, the process is simplified.

The bill will lead to a more graduated form of regulation across the board with four classifications being created for food premises. There is a high-risk class 1 for premises like nursing homes, hospitals and child-care centres where the population group is vulnerable and requires special attention in the preparation of food. Then there is a class 2 which is for medium-risk premises such as restaurants, manufacturers and cafes, where food is unpackaged and requires temperature control.

I note, having some knowledge of this area, that it is often not understood how hot or cold food has to be kept to remain safe. Bain-maries or places where chilled food is kept literally have to be quite hot or quite cold, and anyone with the most rudimentary knowledge of biology would understand that keeping things at a warm but not hot temperature provides the perfect breeding ground for bacteria.

Then you have a class 3, which includes lower risk activities such as bread baking, the wholesale prepackaging of food and the retailing of only prepackaged food that requires temperature control. Again, at each level there is a graduated requirement. There is also the very low level risk class, class 4, which includes not-for-profit fundraising activities such as communal sausage sizzles where the food is cooked and served immediately, and establishments like kindergartens, where fresh food such as cut fruit is served. The bill introduces a sensible, more gradated regulation which will provide more flexibility and, importantly, protect the health of people in the community.

In a previous life I was involved in organising a community festival involving these health issues. There

were a number of food stalls involved in the festival, and I would like to pay tribute to some people while I can because the festival is no longer current. It was a Songkran festival. Songkran is the new year for persons of the Hindu tradition in cultures such as those of India, Burma, Cambodia, Thailand, Sri Lanka, Laos and I think even Nepal and Bhutan, although there were no Nepalese or Bhutanese people involved. I would like to pay tribute to the people at the City of Greater Dandenong who helped with the food-handling courses and other work that was required to ensure the safety of the community.

While the Songkran festivals were attended by thousands of people, to the best of my knowledge no-one was made ill, and that is testimony both to the willingness of the volunteers and members of community groups who were involved to ensure that the traditional food they were serving from those various communities was safe, and to the professionalism of the people from the City of Greater Dandenong. By and large I hope all members would recognise that across councils around Victoria there are many professionals working hard in this area to ensure that people are safe when they consume food at community festivals.

There is a balance to be achieved in that you do not want officials who are so officious that they interfere in the normal activities of the community and the social activities that community members engage in. In his contribution the member for Burwood referred to this, as I think did the member for Brunswick. For example, there have been occasions on which council officials have been so pedantic in their implementation of the law that they have stopped the traditional sausage sizzles on council election days. I hope that such community activities are maintained. This bill is a sensible step in achieving more rational and thoughtful regulation in this area. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak in the debate on the Food Amendment (Regulation Reform) Bill. To paraphrase the opening comments of the minister in the second-reading speech, good food regulation is vital to protect public health and to promote confidence in Victoria's food industry. Victoria has a strong and proud record of clean, green and healthy food, of providing safe and wholesome food from the paddock to the plate. Our farmers play a vital role in that, our food manufacturing industries play a vital role in that and our retailers, restaurants and cafes also play an integral role in providing safe and wholesome food to the community.

The food industry in Victoria is subject to a complex regulatory regime involving all three levels of government. There is a nationally agreed Food Standards Code which also applies in New Zealand. The state government, through the Department of Human Services, and local government administer the Food Act, which covers the registration of premises and regulations designed to ensure food safety.

I want to take a slightly different tack to many of the other speakers, who talked about the input requirements contained in the bill. I want to talk about the challenge that I believe our regulators face in the future of how we should measure the outcomes of all the work we do in food regulation. How do we show that the regulations, the registration system, and the testing and reporting requirement systems we impose will actually produce safer and better food for consumers?

If we look at the context of food-borne illnesses in Australia — and the most up-to-date figures I could find were for the year 2000 in a publication from the federal Department of Health and Ageing — we see it is estimated that in the period concerned there were 5.4 million cases of food-borne illness in Australia, which led to 18 000 hospitalisations, approximately 120 deaths, 2.1 million lost days off work, 1.2 million doctor consultations and 300 000 prescriptions of antibiotics. Food-borne illnesses are a significant issue in our society, both in terms of the health and wellbeing of our community and in terms of the economic cost and a loss of confidence in our food industry. According to that report, 80 per cent of the cases looked at were due to bacteria, pathogenic E-coli, campylobacter and non-typhoidal salmonella. There are approximately 6000 cases of acute food-borne illness other than gastroenteritis each year. The vast majority are due to toxoplasmosis, a protozoan parasite the natural hosts of which are cats.

The issue of food-borne illnesses is a serious issue, but the point I wish to make is that while this bill places significant emphasis on the governance of food regulation and the classification scheme for food premises — indeed in the consultation paper which was circulated in July 2008 there were 80 pages dealing with topics such as enforcement, the roles of the minister, the department and councils, the regulation system, the classification system, the testing regimes and the reporting regimes — but there was no discussion in the 80-page consultation paper about outcomes, about the level of food-borne diseases in our community and about what impact the regulations should have in reducing the incidence of food-borne diseases. Are we measuring that, and how? How do we know that what we are doing is producing substantial

benefits for the community in reduction of food-borne illnesses?

As I said, the latest figures I could find date back to the year 2000, and they suggest that there are 5.4 million cases a year, many of which do not come to the attention of medical authorities. It is a difficult and challenging issue, but I place that challenge fairly and squarely before the government, the minister and this Parliament. When we move down a path of regulation and of imposing requirements on an industry, we should do more than just consider the level and type of requirements and how they are reported on. An integral part of that is doing some sort of analysis of the benefits gained from or the results of what we have done. We should ask whether we have achieved a positive result and whether we have made a difference. That is what we should be doing. All the discussion I have heard thus far from the department and the minister has been about the input side — the sorts of things that we want to do, the sorts of things we have to impose — not about what results we expect to achieve through this process. It seems to me there is a belief that by doing all this we must gain a benefit. I propose a challenge: let us test to see if we can deliver a benefit and measure that benefit.

For example clause 7, which inserts new section 7C headed 'Annual report on food regulation' proposes an annual reporting system with two significant deficiencies. Firstly, there is a deficiency because there is no requirement to report on food-borne illnesses in our community. There is no measure of whether we have made a difference in reducing the incidence of food-borne illnesses. Secondly, there is no requirement for when the report should be published. It says there must be an annual report on a calendar year basis, but there is no requirement that it be published within three months of the end of the year or within six months of the end of the year — indeed there is no requirement. They are two great deficiencies.

I also wish to talk about the food classification system. I believe there is still some work to be done on that. I understand that some of the detail is still being worked out. Class 1 includes facilities that handle, process and serve food to vulnerable groups such as people in hospitals, nursing homes and long day care, and we would all agree with that. In respect of class 2 the second-reading speech says:

> Class 2 is likely to apply to medium-risk activities such as the handling of unpackaged food that requires temperature control.

My concern is: does that include food facilities at the Flower Drum, a top restaurant, all the way down to the footy canteen and the general store in a local country community? The minister previously interjected, saying, 'Milk bars are going to be treated differently' — but this is not concerned with milk bars and canteens that cook and prepare food. The footy canteen that cooks a few dim sims, heats pies and makes sandwiches from raw ingredients looks as though it may be in class 2 and is to be treated the same as our top restaurants that prepare meals from basic food ingredients materials. I am not sure that is the exact system we want.

According to the second-reading speech, the class 3 category:

> will include lower risk activities such as the baking of bread, the wholesale sale of prepackaged food, or the retail of only prepackaged food …

Yet a document circulated at a department briefing describes a class 3 premises as handling unpackaged low-risk foods, whereas the minister's second-reading speech only refers to prepackaged food. I suggest the minister needs to clarify that. The class 4 category involves low-risk, prepackaged foods which do not require refrigeration.

I come back to the nub of the issue: where do the footy canteen and the local shop, which is a general store that makes sandwiches, fit? They can be making sandwiches with cold chicken, which is potentially a high-risk ingredient. Those stores could have bain-maries and pie warmers; they might cook dim sims. These sorts of things need to be looked at, but I do not believe they belong in class 2, as does a restaurant that prepares food from scratch.

I wish to raise concerns about clauses 49 and 50, which cover mobile food vans. A universal registration, so that the owners of vans do not have to register in every area where they operate, is a reasonable approach. However, I have had an email from a constituent who says they want an assurance from the minister that the owners of food vans that are often parked outside or sit in sheds for long periods are put through all the right processes to make sure they meet the same requirements in terms of the food they prepare and the health and safety of their business operations as they would be required to meet if they were operated a business in a fixed premises at a fixed address. That is absolutely essential. I hope the minister can give that assurance.

In my final 30 seconds and with respect to the timing of this bill: there have been some discussion papers and a review, but when the rubber hits the road the real issue is what is in the legislation. That is what people want to know and that is what people are concerned about. This

bill was second-read on 10 June. To debate the legislation now, without proper consultation on the actual legislation with local government, the food industry, food retailers and community groups, is totally inadequate; it is an absolute slap in the face to those people. The government is treating them poorly.

Mr HOWARD (Ballarat East) — I am pleased to speak on this important bill which concerns amendments to food regulation. The bill is about ensuring that food bought by people throughout Victoria is safe to eat. However, in that context this government has brought about a number of changes that have tightened up regulations requiring food premises and people who are selling food to have food safety plans in place and requiring councils to follow up on these matters to ensure that those people selling food are following through on their food safety plans and that they are doing the best they can to ensure the food sold on their premises or sold by them will be safe to consume.

In light of that, it was appropriate that we reviewed what has happened to date. The Victorian Competition and Efficiency Commission (VCEC) was asked to carry out a review of food-handling regulations and practices that are in place and to provide advice to the government on that issue.

As most members would be aware, there have been a number of groups in our community, particularly those in the non-profit sector and those who have been running sausage sizzles and other money-raising activities over a number of years, who have found the changes to be particularly challenging. On the one hand, one particular group has been looked at to see how we can reduce the regulatory burden on those groups if they are seen to be carrying out low-risk activities.

On the other hand, these changes ensure that councils continue to understand they have a significant role in undertaking their work to ensure that food sold in each municipality will be safe to consume. There are a number of things they must do in terms of registering food businesses and ensuring that the act is complied with — in other words, councils must ensure that those food premises have appropriate food plans and have food safety supervisors, where appropriate, and then make regular inspections which may be annual or more regular in cases where it believes it to be necessary.

It is important we ensure that councils are doing the right thing. In terms of this legislation, we are requiring councils, amongst other things, to report data to the department on a regular annual basis about the administration of the act so that the community can clearly see that councils are following through on their responsibilities.

Another aspect of the legislation, as recommended by VCEC, deals with the risks associated with various forms of food businesses and set up a differing regulatory framework on the basis of risk. As we have heard from other speakers, there is a class 1 group of food premises which are considered to be high-risk — not surprisingly, nursing homes, hospitals and child-care centres providing long-day care fit into that group. Therefore that group needs to be very careful about its food safety plans and comply with the tightest and clearest of regulations that are set to ensure that either children or people at risk in hospitals and nursing homes are not put at risk.

Class 2 relates to medium-risk businesses; that includes most restaurants and cafes. These groups, having been required to complete food safety programs, have generally been working from templates provided either by councils or by consultants to set up their food safety plans. But the new regulations will allow some flexibility so that people can have non-standard programs and some businesses can even pursue quality approval (QA) processes, which can in fact be better. We recognise that there are opportunities to move away from template-based programs, and it is obviously a matter for council to work with those businesses on non-standard programs and QA programs to ensure that they are right and being pursued appropriately.

Then we have class 3 — the lower risk groups — which includes the baking of bread, the wholesale production of prepackaged food and so on.

Then we come down to class 4 groups, including most of the non-profit fundraising groups and the groups that I am seeing more and more of, such as the farmers markets being held across my electorate with people selling fruit and vegetables and other food items that are considered to be of low risk in terms of their sales, and of course the other groups having sausage sizzles and cake stalls at appropriate places to raise funding for kindergartens and other organisations across the community.

The new proposals say that while the groups all need to be provided with guidance about the issues they need to be aware of and take care of in terms of the sale of food, they do not need to be specifically registered. All that is required is that the proprietor of the premises where the food will be sold notify the council about the activities that will take place. The individual stallholders do not need registration. The proprietor

does not need to register, but they need to provide notification. So it is taking away a great deal of that burden.

The key issue is that whatever category the food vendors are in, they still need to be very careful to ensure that they are handling food safely, and they must recognise that they need to show a high standard of care about that activity.

The other group that a number of MPs, as well as VCEC obviously, received submissions about was those people who operate mobile food-vending vans that they may take to a number of markets across an area — which means they are operating not just in one municipality. In the past they have had to register with each municipality where they are operating, which has been considered to be perhaps an unnecessary burden. Under this legislation we are requiring that those mobile vans and temporary food vendors need only register with the council in which they or the temporary premises are based and that they follow the statutory regulations with just that one council. Then, with the database in place across municipalities, that registration can be accepted by other councils in which they may operate their business.

I am pleased that this bill is getting things better. Obviously we still need to monitor and we still need to ensure that anybody handling and selling food is very careful about the way they do that, is mindful of the risks involved and, in particular, is mindful of the hygiene activities they need to pursue, but we do not want to have too much unnecessary regulatory burden placed on them. We want to reduce red tape, and this bill gets the balance right. I am very pleased that the great range of community-minded people who have been working with various groups involved in not-for-profit fundraising activities will be able to get on with their activities without this burden. Presumably the community and the groups it is supporting will be better off. I am very pleased to support this bill.

Mrs POWELL (Shepparton) — I am pleased to speak on the Food Amendment (Regulation Reform) Bill 2009. The main purpose of this legislation is to amend the Food Act 1984, and the opposition will not be opposing this legislation, as the member for Caulfield has spelt out. We understand that a number of organisations have been calling for the changes and that the issue has been out there in the community for a while going through some form of consultation. We also understand that the bill will make it less cumbersome for some of those people who are handling food, whether for fundraising purposes or in commercial ventures. We understand some of the good points of the legislation.

But I have a concern about the way this legislation has been rushed through Parliament. It was introduced only two weeks ago, and as the shadow Minister for Local Government my concern is mainly about the effects it will have on local government and about making sure that local governments are aware of the responsibilities they have because of this legislation and that the government is supporting local governments so that they will be ready when the regulations come in.

The 79 councils have the main responsibility for regulating the food premises in their municipalities. As I said earlier, there are some amendments in the bill that increase the responsibilities on local government. Already local government has to register the food premises, monitor and inspect those premises, take food samples and have them tested, and make sure that the cafes, restaurants and all those businesses dealing with food are in compliance with the food safety standards. Substantial penalties apply if food standards are not complied with or if there are offences. Local government also has to provide the training and education to those organisations that are handling food, whether they be volunteer or commercial ventures.

It is important that through the regulations we make sure that there are no community health risks. Years ago we all heard of the outbreaks of salmonella poisoning and about the cost to communities and councils but also the burden on the state government, with people being hospitalised. As a former councillor, I know of many times when an environmental health officer would bring in the results of samples from cafes and restaurants in the municipality. It would be found that some of those samples were not up to the required standard, and the food was probably not good enough to be eaten. We know that councils have a fairly important role to play, and I am concerned to ensure that they are aware of these changes and will be supported every step of the way.

I want to read from a report of the Scrutiny of Acts and Regulations Committee after it had dealt with the bill. It asked questions about why there was the delayed forced commencement provisions, because many of them do not come into force until July 2010, and others even further on in the year. The response to the committee can be found in the second-reading speech.

I would like to read some of the committee's comments, because they show that the bill will impose a fairly heavy burden on local government: Its comments include:

> The committee notes the following explanation provided in the second-reading speech for the delayed forced commencement provisions —
>
> > as these reforms require a high level of collaboration between the department, councils and business, there will be a staged commencement of the provisions in the bill. This is designed to ensure that these changes will be successfully implemented.

Further, it states:

> Other provisions have been assigned later default commencement dates to provide sufficient time for necessary information technology system upgrades.

That is an important issue. Councils will have to make sure their information technology is up to date. Their current databases may need to be updated to make sure they comply with the databases that are developed for statewide registration, particularly now that there will be an imposition on councils to put details of mobile food vans onto their databases. There is a lot of work for local government to do; I want to make sure the government understands that and supports local government as much as it can.

The Municipal Association of Victoria, as the peak body for local government, also has some concerns. In its most recent bulletin dated 19 June it states:

> The MAV is preparing a member's brief highlighting those areas that will require administrative change by councils, and the activities that are needed that will be undertaken to assist councils preparing for the new framework.

It is really important that we get this right. I hope the government has learnt from the mistakes it made when it made changes to the Water Act a number of years ago, with the unbundling regulations. It brought in regulations but councils were not ready. The certificates and the documentation they had were not ready; they did not have the information, and they were not aware of the issues of unbundling. More importantly, the water authorities were not ready. People needed documentation to sell their properties because of the unbundling of water being separated from land, and that documentation was not ready.

There was huge angst in the community because when people wanted to sell their property, the certificates in relation to water unbundling were not ready. A number of months went by while people waited to comply, and a number of people who were trying to sell their properties actually lost those sales because they were not able to comply. I hope the government has learnt from that.

There are a number of different classes of business. Class 1 is high risk and includes nursing homes, hospitals, and child-care centres which provide long day care. They will need a food safety program, they will need a food safety supervisor, and they must be registered. Class 2 relates to medium-risk businesses, and relates to the handling of unpackaged food that requires temperature control. That relates to manufacturers, restaurants and cafes. They must be registered by the council. They will need a food safety program and a food safety supervisor, and they will need to be assessed at least annually by council. There will be discretion for a council to inspect at regular intervals.

Class 3 includes lower risk activities. It includes the baking of bread and prepackaged food that requires temperature control. Those premises must be registered and inspected annually by councils, but they no longer need to have a food safety program or a food safety supervisor.

The main changes are in class 4, which include very low-risk businesses. They relate to shelf prepackaged food, uncut fruit and vegetables at places like farmers markets and at trash and treasure stalls, including those in my electorate where we sell fruit and vegetables to fundraise, and as other members have talked about, at sausage sizzles.

I know there was some angst a while ago because of some of the onerous provisions put on fundraisers and volunteers when they were raising funds at sausage sizzles. Last Saturday I was at Bunnings, raising funds for Goulburn Valley Heartbeat; we raised almost $1000. People now use their common sense. They wear gloves when they are dealing with or handling food, and the person who is handling the food does not handle the money.

A lot of people now self-regulate and make sure that they comply with all of the food safety standards to ensure there is no contamination of food between handling the money on the one hand and handling the food on the other. Whether or not they are volunteers, most people make sure they follow all the safety regulations so there is no risk to the community. Bunnings and the service clubs are to be congratulated for the work they do in making sure that everything complies with food standard safety regulations, but also that they can still raise money for some great organisations.

In the brief time I have left I would like to raise an issue about the changes which include single registration for market stalls and food vans. Currently each market stall or food van is required to be registered separately in each of the 79 municipalities. This bill will amend the

act to create a single registration and notification system, which means that businesses can operate their vehicles or stalls anywhere in Victoria provided they have lodged a statement of trade which says where the trader proposes to trade.

Mr Brian Cain and his wife wrote to me saying that they sell jams and chutneys right across Victoria, and they have to go to each municipality to get a permit. All of those municipalities deal with it differently. Some accept the registration from other municipalities and adopt a system of mutual recognition, but others do not. They have legal advice that they are obliged to register every temporary premise operating in their municipality. This bill will enable a council to choose to recognise the registration of the temporary or mobile food van granted by another council, and those changes will come into effect in July 2010. There is a concern about the timing in 2010, so I hope the government will work with councils to make sure they are ready.

Councils will also be entitled to charge poor performers additional fees to compensate for the cost of any follow-up inspections so as to ensure compliance. That is really important, because councils need to make sure they can recoup the appropriate funds when they go out and inspect premises. All in all, this bill works well for food safety and reduces the burden on volunteers. But at the same time I want to make sure the government understands there is a strong requirement for councils to deal with this system, because they are the main organisations that will deal with it. I urge the government to support them as well.

Mr LIM (Clayton) — I am pleased to support this bill. Some people argue for smaller government or for government to butt out, but the regulation of food is an example of the critical role of government and the need for very strong regulation. Many members have touched on this point already.

Whether it is buying fresh food for preparation at home, eating out in a restaurant or dependent people receiving meals in residential care facilities, Victorians are entitled to be confident that their food is safe. Food safety is one of the most important public health functions of government. There is also an economic imperative, given the importance to Victoria of both tourism and the food export industry. Victoria has a reputation for providing fresh food that is clean and green.

This bill follows an inquiry by the Victorian Competition and Efficiency Commission. The commission's final report, entitled *Simplifying the Menu: Food Regulation in Victoria*, was released by the Treasurer on 10 February 2008. As the commission said, the Victorian food industry is a major contributor to the economy in terms of manufacturing, employment and exports. The commission described the economic dimension of the food industry in Victoria as follows:

> The food industry employs about 370 000 people in Victoria (14 per cent of the workforce) and generates $6.8 billion in exports (36 per cent of Victoria's total exports). Food reaches consumers through supply chains, from primary production, manufacturing, and through to retailers, cafes, bars and restaurants. A large proportion of the industry's activity takes place in provincial Victoria and is spread across 86 000 large, medium and small businesses.

In touching on the issue of exports, it would be remiss of me not to tell the house that when I visit China I feel very proud when I sit down at an official function or private banquet and am offered fresh Victorian milk. Fresh milk from Australia, particularly from Victoria, is now a luxury item and is sought after by the new emerging middle class in China. The export potential is just enormous, not to mention the potential in India with the new emerging middle class there also craving luxury food items from Australia.

The VCEC summarised the reasons for regulating food safety as: firstly, that consumers have less information than producers about the safety of the food being consumed; secondly, that consumers, businesses and community groups may lack appropriate knowledge about how to choose, handle, store and prepare food correctly; thirdly, that outbreaks of food-borne illness may have third party impacts, such as impacts on our exports.

The commission then went on to state the case for streamlining the framework and regulations and reducing red tape, particularly at all three levels of government, with 79 local councils having responsibility for food. This bill will achieve this streamlining and better governance while ensuring that Victoria has a first-class system of safe food regulation.

As I said a moment ago, some 79 councils are involved. They will have responsibility for registering and inspecting food premises. This bill provides that one of the roles of the Department of Human Services (DHS) is to provide information and guidance about the act to councils. The bill will also enable the Minister for Health, after councils are given an opportunity to comment, to issue a direction concerning the administration of the act.

Furthermore, the bill will enable a new food sampling framework to improve risk management and coordinate sampling on a statewide basis. Councils will continue to take samples of food and have them tested by approved

food analysts to gain an overview of the safety of food-handling practices in their municipality. However, the existing population-based criteria will be replaced with a new process that will enable the secretary to declare the type of food that is to be sampled, and this may vary from time to time.

It will also enable the number of routine monitoring food samples that are to be taken by a council to be linked to the number of food premises in that municipality. Council will be required to report a range of data to DHS. There will be a system of single registration for market stalls and food vans. There will also be improvements to enforcement, including councils being given powers to order food premises to cease operating, and we have seen this in practice.

I welcome the appearance on the DHS website of a public register of offences under the act. Victorians have a right to know that the food premises they buy from or eat at are safe. Victoria produces fine food and has great restaurants. This bill provides the framework for supporting the industry while ensuring that Victorians can have confidence that their food is safe. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — This is a very important bill, and I urge the government to make sure that Victorians from non-English-speaking backgrounds are aware of the regulations. I urge the government to make sure that the effects of the bill are advertised in the multicultural media.

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

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling for questions without notice, I welcome to the gallery the Consulate-General of the People's Republic of China, Mr Shen Weilian, and a delegation from Tibet led by Mr Vneema Tsering. I welcome our visitors to question time; I am sure all members will be on their best behaviour.

QUESTIONS WITHOUT NOTICE

Anticorruption commission: establishment

Mr CLARK (Box Hill) — My question is to the Premier. I refer the Premier to the embarrassing collapse today of yet another major prosecution by the Office of Police Integrity, and I ask: will he now establish an independent broadbased anticorruption commission that can inquire into all the secret tapes held by the OPI of telephone recordings of government members of Parliament and their staff with Victoria Police to determine whether those recordings contain evidence of inappropriate conduct?

Mr BRUMBY (Premier) — I thank the honourable member for his question. The system we have in Victoria to protect police integrity and safeguard against corruption is a system that has been put in place with the support of both houses of Parliament and all of the major political parties.

The Office of Police Integrity has extraordinarily broad powers. It has powers in relation to phone tapping, powers in relation to coercive questioning and powers in relation to public hearings. As I have said to this house on many previous occasions, if you look at the aggregate powers, authority and resources which are vested in the OPI, the Ombudsman and the Auditor-General, you see they give us the best combination of people, measures and institutions of any state in Australia.

Since the establishment of the OPI there have been more than 400 criminal charges laid against police and civilians, as well as numerous recommendations to Victoria Police for disciplinary action to be taken. In relation to the various vagaries of the opposition's position on this, I compare them to the Western Australian royal commission into police corruption which took two years, cost $28 million, investigated 121 officers and resulted in two charges.

Honourable members interjecting.

Mr BRUMBY — Two charges! The OPI has raised 400 charges. Those prosecutions, those charges, are laid; they are then a matter for the courts — —

Honourable members interjecting.

The SPEAKER — Order! Opposition members know that if they wish to ask a question, they should stand in their place at the appropriate time and I will give them the call. To constantly interject with questions across the chamber is inappropriate. I ask the member for Hastings, the member for Ferntree Gully, the member for Warrandyte, the member for Scoresby and the member for South-West Coast to not continue to ask questions across the chamber.

Mr BRUMBY — As I have said, there have been 400 charges against police and civilians. Again, I will just compare this with the alternative models. The royal

commission — we had the opposition a year ago, two years ago, three years ago, calling for a — —

Mr Ryan interjected.

Mr BRUMBY — That has been one of your seven positions!

Honourable members interjecting.

The SPEAKER — Order! I express some disappointment in the Leader of The Nationals. I ask him not to interject across the table in that manner. The Premier, to conclude his answer.

Mr BRUMBY — As I have said, the combination of the institutional arrangements we have in place — the Ombudsman, the OPI, the Auditor-General — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South-West Coast, and I warn the member for Hastings. There will be no further warnings.

Mr BRUMBY — All of these arrangements, plus the oversight of the OPI by the special investigations monitor and the Parliament, give us the best combination of powers, bodies, institutions and practices to ensure that we root out any corruption that exists and maintain appropriate levels of police integrity.

Public transport: operators

Ms D'AMBROSIO (Mill Park) — My question is to the Premier. I refer to the Brumby government's commitment to make Victoria a great place to live, work and raise a family, and I ask: could the Premier update the house on recent decisions regarding the future of Melbourne's public transport network?

Mr BRUMBY (Premier) — I thank the honourable member for her question. Honourable members will recall that almost two years ago, in August 2007, the Minister for Public Transport and I announced that as part of the new franchising arrangements going forward we would open up those bids to the best international competition — the best bids from around the world. We received an extraordinary range of bids containing great quality and great depth in the tender process.

Today I was delighted to announce, with the Minister for Public Transport, the two successful tenderers for our public transport system. They are: in relation to the tram network, KDR, which is a consortium of Keolis and Downer EDI; and for our train network, a new consortium, Metro Trains Melbourne, MTM, which is a combination or consortium of MTR, John Holland and the United Group. The successful tenderers were chosen after a long and exhaustive process by the rail projects selection committee. In turn they were recommended to the appropriate cabinet subcommittee and then to cabinet itself.

The companies which have been chosen have extensive experience around the world in running both tram networks and train networks, and they have been selected against a set of evaluation criteria that were set out in the bid documents. There was, I think it is fair to say, huge enthusiasm from the bidders about the great opportunities that present in our state. There are very few places in the world that have the sort of population growth, the dynamism and the economic growth that our state of Victoria enjoys. There are great opportunities for these companies going forward to partner with the government to continue to improve our public transport system.

The successful bidders have obviously made commitments to the state in relation to many of the key criteria. We want to see in the future a rail and tram system that gives us even better levels of safety, improved levels of punctuality, improved levels of reliability, improved levels of cleanliness and first-rate customer service.

MTM, which runs the rail system in Hong Kong — if anyone has used that system, they will know it is an excellent rail system — will now have the opportunity to run the system here in Victoria. I can only repeat that during the tender process they expressed an enthusiasm and an appetite for taking on this challenge to build our transport system into truly one of the world's best.

I believe the combination of the new tenderers that we have selected today, in partnership with the $38 billion Victorian transport plan, will ensure that we can look forward in the years ahead to improved levels of service, reliability and punctuality right across our transport system. We have seen extraordinary growth in recent years. I think the house is aware that the long-term growth in rail in Victoria post war has been about 2 per cent per annum. The last few years have seen growth which is closer to double-digit numbers. That, in a sense, is because of the success of our state in attracting so many new residents who want to live here, invest here and raise a family here.

You can look at this announcement today, as I have said, in combination with the $38 billion Victorian transport plan and the huge new investments, including of course the regional rail express of $4.3 billion — the biggest rail project in the state's history — which is

already funded through a partnership between the Rudd government and our government. More than six months has passed, by the way, since we released that plan, and we still have not heard a single alternative policy from the opposition — not a single squeak.

Honourable members interjecting.

The SPEAKER — Order! The Premier will not take the opportunity of question time to attack the opposition.

Mr BRUMBY — The new initiatives — the new Clifton Hill rail bridge that the minister and I opened earlier this year, the extensions at South Morang, the electrification to Sunbury, the regional rail express and all of these huge improvements in the system — will be rolled out. The new rolling stock, new trains, new trams and new timetable services, in combination with new partners, will help us build a system which offers a first-rate customer experience and better levels, as I have said, of reliability, safety, punctuality and customer experience than we have enjoyed previously.

Schools: south-western Victoria

Mr DIXON (Nepean) — My question is to the Minister for Education. Why is the minister refusing to make public the secret Barwon south-western regional provision plan, which outlines the government's plan to close two primary schools in Portland, to close three primary schools in Hamilton and to remove years 10, 11 and 12 from both Mortlake and Hawkesdale colleges?

Ms PIKE (Minister for Education) — This is the third time this week that those opposite have asked a question about school mergers. I can only assume that when you have a practice and policy of riding roughshod over community aspirations, you somehow expect that everybody else will behave that way as well and you see that as the normative behaviour — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister not to continue down that track. To invite that level of interjection from the opposition is not, I would think, a reasonable course of action in responding to a question.

Ms PIKE — This government has had a very clear approach to education since 1999. The first thing we did was invest in the system. We have provided a huge amount of capital work, and in more recent times that additional investment has been complemented by our partnership with the federal government, which has seen schools right around this state grow, develop, get new facilities and create 21st century learning environments. We have built new schools in growth corridors and new areas.

Mr Ryan — On a point of order, Speaker, the minister is clearly debating the question. The minister has had directed to her a question of very narrow compass which deals with specific issues on which a response is sought. I ask you to have her return to answering that question.

The SPEAKER — Order! I uphold the point of order.

Ms PIKE — We have been opening new schools right across the state. We have been providing extra infrastructure — —

Honourable members interjecting.

The SPEAKER — Order! The opposition will not shout down the minister. The minister is entitled to make introductory remarks. I have asked her to address the question, and as long as she is relevant to the question, she will be heard.

Ms PIKE — As well as providing the infrastructure that I have been talking about, we have also been working very closely with school communities around the state, including in the Barwon region, to make sure that schools are continually improving the quality of education they provide to their young people and raising the standards of literacy and numeracy. We have been providing them with additional resources to do that, with literacy and numeracy specialists, teaching and learning coaches, IT — —

Dr Napthine — On a point of order, Speaker, the minister is debating the question — —

Honourable members interjecting.

The SPEAKER — Order! The member for Lara is warned; he will not be warned again. I remind the member for Scoresby that the Chair does not need his assistance in dealing with the house.

Dr Napthine — The point of order I was making, Speaker, was that the minister was debating the question. The question was quite specific and asked why she was refusing to release a certain report. I ask you to bring the minister back to answering that specific question.

The SPEAKER — Order! I uphold the point of order. The minister, to address the question.

Ms PIKE — Part of working with local school communities, including schools in the community that the honourable member mentioned, has been the appointment of regional network leaders who are working very closely with clusters of around 20 schools in their communities and offering them the kind of support and resources that they need. Schools are coming together and having discussions about education provision in their own communities.

We are listening to those discussions, working with the schools and providing them with support so that school councils and school communities can make decisions about their own future. That is the way this government behaves. We do not, as the previous government did, dictate from on high, determining the future of schools — —

Mr Ryan — I renew my point of order, Speaker. The minister continues to debate the question. She has been asked about the specific circumstances set out in the question and the report to which that question relates, and that is the question to which we seek an answer, not this generalised commentary about education policy as she perceives it to be.

The SPEAKER — Order! I do not uphold the point of order. I believe the minister was being relevant to the question. The minister has completed her answer.

Public transport: operators

Mr HUDSON (Bentleigh) — My question is to the Minister for Public Transport. I refer to the government's commitment to make Victoria a great place to live, work and raise a family, and I ask: can the minister advise the house what the likely benefits will be to commuters following the announcement of new public transport operators?

Ms KOSKY (Minister for Public Transport) — I thank the member for Bentleigh for his question and his interest in public transport in this state.

It is an important time for public transport in Melbourne and indeed in Victoria. We have record investment in the network, and we now have new train and tram operators. As the Premier mentioned, I was with him this morning when we announced the preferred tenderers for our tram and train network in Melbourne. Keolis Downer EDI (KDR) is the preferred tram tenderer and Metro Trains Melbourne (MTM) is the preferred train tenderer.

They have demonstrated, through their bids, experience, expertise and enthusiasm to deliver improved train and tram journeys for people in Melbourne. As the Premier mentioned, there has been a lot of worldwide interest in running our train and tram systems, and the bids that came through were very strong indeed.

We are very pleased that we have the best of those bids as the preferred tenderers to run the system in Melbourne. They will work very closely with the state not only to run the tram and train networks but also to deliver our $38 billion Victorian transport plan, which will see the biggest expansion of our rail network since Federation, with 100 kilometres of extra track, 10 new stations, new trams and trains and a true metro system.

MTM will bring outstanding international experience to Melbourne. It will draw on its international capabilities of running operations on the Hong Kong metro system as well as the London Overground system. It is joined by two of Australia's leading transport companies which also have great international experience — that is, John Holland Melbourne Rail Franchise and United Group Rail Services. MTM is committed to better reliability, fewer cancellations, increased train availability and improved contingency planning. It has a very strong focus on safety, cleanliness and customer service.

KDR presented us with an incredibly strong bid for the Melbourne tram network. It is made up of Keolis transport and Downer EDI. Keolis is a recognised international player in public transport. It operates five tram systems in Europe and three tram franchises in the United Kingdom. Keolis's local partner, Downer EDI, has 100 years of experience in the Australian rail industry. Keolis also has very strong backing from the French operator SNCF (Société Nationale des Chemins de Fer Français), which is a world leader in public transport provision. These are very strong bidders and very strong preferred tenderers. KDR will improve service delivery and punctuality through improved maintenance and operational improvements and will have a culture of continual improvement in what it is providing. KDR has a very strong customer focus.

I know that both preferred tenderers will add to our public transport system in Melbourne. We welcome them to Melbourne. We look forward to building a strong long-term partnership with the new operators.

Member for Narre Warren North: staff member

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Local Government. When did the minister first inform the Premier's office that the minister had been provided with a 59-page

workplace investigation report commissioned by Casey City Council, which found that Mr Kevin Bradford, a staff member of the member for Narre Warren North, who is Parliamentary Secretary to the Premier, had been engaged in behaviour that bullied, victimised, threatened and humiliated a Casey council staff member?

Mr WYNNE (Minister for Local Government) — I thank the Leader of The Nationals for his question. This matter was brought to the attention of the Office of Local Government as a referral from the Casey City Council just prior to the council elections late last year; in fact it was during the caretaker period. Local Government Victoria advised the council that a breach of its code of conduct, which is what this internal report to the council was about, was a matter for the council itself to deal with. Local Government Victoria advised the council accordingly and that occupational health and safety matters are a matter for WorkSafe.

The amendments the government made to the Local Government Act deal with exactly these sorts of questions around inappropriate behaviour by councillors or by council officers and processes have been put in place — —

Mr Burgess interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Hastings

The SPEAKER — Order! Under standing order 124 the member for Hastings is suspended for 90 minutes.

Honourable member for Hastings withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Member for Narre Warren North: staff member

Questions resumed.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. The question was directed to when the minister advised the Premier's office in relation to these issues that are referred to in this report. This is not about a recitation of the state of the law in Victoria.

Mr Hulls — On the point of order, Speaker, the question was about the Casey council and the minister is answering the question on the Casey council. I simply argue there is no point of order. It is frivolous.

The SPEAKER — Order! I uphold the point of order.

Mr WYNNE (Minister for Local Government) — This report was commissioned in October 2008. As I said, that was very close to the caretaker period. The council referred the matter to Local Government Victoria to consider. Local Government Victoria advised the council that a breach of its code was a matter for the council itself to deal with, and Local Government Victoria advised the council that any matters pertaining to occupational health and safety are matters for WorkSafe.

Housing: affordability

Mr LANGDON (Ivanhoe) — My question is to the Minister for Housing. I refer to the Brumby government's commitment to create a fairer Victoria, and I ask: could the minister update the house on what the government is doing to increase the supply of affordable housing for low-income Victorians?

Mr WYNNE (Minister for Housing) — I thank the member for Ivanhoe for his question and indeed his longstanding commitment to public and social housing. All members of the house would be aware of the importance of continued investment in public and social housing. It is a proud record of this government that in every year it has been in power it has invested above and beyond its commitment to the commonwealth-state housing agreement.

In that context we should remember the $500 million that the Brumby government provided — a record investment by any government ever — to public and social housing outcomes. In that context rooming houses are a critical part of our public housing system. In the public and social housing sector we have in the order of 115 rooming houses providing a total of about 1600 rooms. These facilities are part of the 20 000 single-person units that we have across the state. However, we face continued challenges because almost half of the public housing waiting list is now single people. As members will be aware, we are investing the $500 million very wisely, and we are seeking to redress the disconnect between our existing stock and what we need to do in terms of acquisition of single-person accommodation.

I am very pleased to report to the house that we have acquired three properties — in St Kilda, Footscray and Coburg — with a commitment of $19 million, which will provide in the order of 120 rooms. It was a very proud day for this government when I had the pleasure of being with the Premier, the local member, the member for Melbourne and the Minister for Mental Health when we launched the Common Ground project in Elizabeth Street, Melbourne. Some 120 single-person units will be a part of that complex. As members of the house would be well aware, this project would not have started without the intervention of the government to fast-track its planning. Those who travel down Elizabeth Street on their way home tonight or around the city at any time over the break can have a look at the Elizabeth Street project. It is up, out of the ground and on its way, and what a fantastic project it will be.

We are building on the record commitment of not only the Brumby government but also the extraordinary commitment of the Rudd government of $1.5 billion, which is being invested in public and social housing. It is the biggest build since the Olympic Games in 1956.

Mr Langdon interjected.

Mr WYNNE — Indeed, in the electorate of the member for Ivanhoe!

I am also pleased to advise the house that my colleague the Minister for Consumer Affairs has released a further $10 million specifically targeted to the intervention and purchase of more rooming house stock. We are delighted with that initiative, with the funds coming from the Victorian Property Fund. We have recently purchased a 53 unit development in Altona North, in the electorate of the Minister for Public Transport, which is a fantastic commitment.

In the area of regulations, we know that we have aligned the Health Act with the building code and the Residential Tenancies Act to ensure that we have a good regulatory framework to deal with rooming houses going forward. It is important that we address the question of accommodation for single persons. Not only do they make up half of our waiting list but many of these people are in the most difficult and impoverished circumstances. It is this side of the house that has made a continued and ongoing commitment to this cause.

In that context I believe this government's record is a proud one. I note that recently there has been some conversation about public housing waiting lists and a suggestion that we ought to be examining our public housing waiting lists and how the waiting lists work. There has been some conversation across this Parliament about those matters. We very much welcome that debate if that is in fact a reference that is provided to the relevant parliamentary committee.

It exposes to public scrutiny the extraordinary commitment of this government to public and social housing. Indeed it juxtaposes the potential outcomes had there been an alternative result at the 2006 election. I am thankful that there was not, because the commitment of the alternative government was exactly $5 million over and above — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Housing to resume his seat.

Dr Napthine — On a point of order, Speaker, the minister is debating the question. I ask you to bring him to back to answering the question.

The SPEAKER — Order! I uphold the point of order. The minister is clearly debating the question. I ask him to conclude his answer.

Mr WYNNE — This government is getting on with the job of building thousands of new units. There is a great challenge ahead of us we have to deliver on 75 per cent of that $1.5 billion that has been provided by the Rudd government by the end of next year. It is a great time to be the Minister for Housing. Members should contrast the opposition's $5 million with $500 million by this government.

Member for Narre Warren North: staff member

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Local Government. Given that the Worklogic Consulting report provided to the minister by Casey City Council details serious allegations of bullying, verbal abuse, humiliation and victimisation by Mr Kevin Bradford, who was employed in the office of the member for Narre Warren North, who is also Parliamentary Secretary to the Premier, did the minister raise these allegations with the parliamentary secretary; and if so, when?

Mr WYNNE (Minister for Local Government) — I thank the Leader of The Nationals for his question. As I indicated in my earlier answer, this report was provided to the government by the Casey City Council through the office of local government because the council was about to go into caretaker mode. Local Government Victoria advised the Casey council that it was a breach of its code of conduct and was a matter for the council

to deal with, not for Local Government Victoria. I have had no discussions with the member for Narre Warren North about it — —

Mr Hodgett interjected.

The SPEAKER — Order! The member for Kilsyth is warned!

Mr WYNNE — I have had no discussions with the member for Narre Warren North about these allegations. These are matters that pertain to Casey council, its referral to the office of local government and its subsequent referral back to the Casey council to deal with itself.

Consumer affairs: residential parks

Mr SCOTT (Preston) — My question is to the Minister for Consumer Affairs. I refer to changing trends in residential accommodation provision in Victoria, including the emergence of the residential parks sector, and ask: can the minister advise the house of any government initiatives to provide enhanced protections for residents and tenants in Victoria?

Mr ROBINSON (Minister for Consumer Affairs) — I thank the member for Preston for his question and for his continuing advocacy on behalf of constituents in the residential sector portfolio. He does a champion job on their behalf.

The Brumby government is continuing to take action to reform residential accommodation arrangements in Victoria. It is doing so because the way in which residential accommodation is being provided in Victoria is changing. In recent years we have seen a tremendous growth in the demand for student accommodation, including by overseas students who are flocking to Melbourne to our educational institutions. Increasingly we are seeing suburban houses being used as boarding houses in ways that were not happening years ago, and we are seeing the emergence, as the member for Preston said, of residential parks.

As well as increasing the supply in ways that the Minister for Housing so clearly outlined to the house a few minutes ago, the Brumby government has undertaken a number of initiatives. It has aligned the boarding house definition in the health regulations with the Residential Tenancies Act definition, and that has allowed far more councils to intervene on far more occasions when there are complaints about the way boarding houses are being run. That is something that councils around Victoria have welcomed.

The government has tightened the exemption for accommodation providers who have an affiliation with educational institutions. There has been a longstanding capacity for them to almost self-exempt. The government felt that needed to be changed, and it has been supported by universities and student bodies across the state.

As the Minister for Housing said, we have ramped up a compliance program in recent months between Consumer Affairs Victoria and local government to more effectively enforce the building regulations, the health regulations and compliance with the Residential Tenancies Act. There have been some 45 compliance exercises conducted across the state in recent months, and there are a lot more to come.

The member for Preston asked me about residential parks. It is true that they are a relatively recent phenomenon in Victoria. They are home to many Victorians. Typically they involve Victorians purchasing, for prices of up to $200 000, movable prefabricated dwellings which are situated on rented sites, and not surprisingly, given the level of investment in those properties, there is huge anxiety amongst residential park residents about their security of tenure, because in most cases it is not dissimilar to what caravan park residents would enjoy. This anxiety is greatly exacerbated in cases where residents are served poorly by managers — where there are poor management practices in place.

The member for Preston gets this, he understands this, as did his predecessor, because in his electorate there is a facility called Summerhill Residential Park against which there have been over recent years an absolute litany of complaints. The Brumby government accepts that the evidence that the Summerhill residents who have had complaints have brought them forward is part of the evidentiary base that reform of residential parks is needed and that we need to enhance protections for residents.

I am pleased to advise the member for Preston that today the government has released publicly an options paper looking at ways in which protections for residential park residents can be enhanced. This is something we hope all Victorians will note and contribute to over the coming weeks. I should say we expect most Victorians to support the measures and to look at ways in which we can enhance them, although it is not the case — I think the member for Preston appreciates this — that every Victorian believes the experience of Summerhill demonstrates the need for change.

It is a matter of record that in 2005 one prominent Victorian had this to say about Summerhill, notwithstanding a litany of complaints about it. He had visited Summerhill and had done his own research. He said:

> In my observation the residential park is clean, tidy and cheerful. It appears to be well managed and busy. In that fact residents are offered good value.

That brave observation, that brave endorsement, was made only a few weeks before a resident of that park received a letter from lawyers acting for the owner of that park — a letter that threatened the resident, saying that if the resident or the then member for Preston or anyone else issued a public criticism of the way the park was run, the resident would be sued.

I do not know what part of the good management guide that letter and that tactic represents. I do not know how any resident who received a letter like that could ever expect to be cheered up. It just does not happen. It was a reprehensible, appalling practice that shows the need for reform. It was a practice so reprehensible that in respect of the former member for Preston, it was found to be a contempt of this Parliament and a breach of privilege. I am asked, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! I will suggest to the minister that he has been speaking for in excess of 5 minutes. I believe that he has strayed from the question as it was asked, and I ask him to conclude his answer.

Mr ROBINSON — I am very happy to conclude, Speaker. We have put out this options paper so that all Victorians can have a say, so that all Victorians who have an interest in the plight of residents at Summerhill Residential Park or anywhere else can have their say — and in respect of the 205 comments made by the now Leader of the Opposition, we encourage him to have his say. We want him to have his say. We will not be deterred or distracted — —

Dr Napthine — On a point of order, Speaker, you have already warned the minister to conclude his answer because he has been speaking for well in excess of the normal expected time, but he has continued to speak for a considerable additional period. I ask you to sit him down or ask him to briefly conclude his answer.

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

City of Casey: Ombudsman's report

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Local Government. Given the Ombudsman's damning finding in his report into Brimbank City Council that the minister's department 'did not in my view adequately deal with a number of complaints about Brimbank, received from residents and the Brimbank CEO' will the minister now refer complaints about bullying, verbal abuse, humiliation and victimisation at Casey council by Labor mates to the Ombudsman for a full and adequate investigation?

Mr WYNNE (Minister for Local Government) — In relation to the Brimbank matter, as the Premier has indicated, all of the recommendations of the Ombudsman in relation to Brimbank council are being fully implemented by this government, all of them. I may add in passing that the Brimbank council is the most closely scrutinised council of any in Victoria. Bill Scales is on the job as the monitor, and a former senior policeman from Victoria Police is well along the way in terms of his inquiries in relation to all of those recommendations.

I indicate to the Leader of the Opposition, as he may be aware, that the Ombudsman is currently investigating at Casey council. The Ombudsman has completely unfettered powers to inquire into any matter that he wishes in relation to Casey council. I think in that context his initial inquiries were in relation to the tip matter, but certainly given the unfettered powers that the Ombudsman has, he can inquire into any matter that he wishes to at Casey council.

Skills training: government initiatives

Ms MUNT (Mordialloc) — My question is for the Minister for Skills and Workforce Participation. I refer to the Brumby government's commitment to make Victoria a great place to live, work and raise a family, and I ask: what steps have been taken to ensure Victorians are well informed about the changes that will take effect from 1 July 2009 in the Victorian TAFE sector as part of the Securing Jobs for Your Future skills reform package, and what has been the public response to the package?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the member for Mordialloc for her very timely question. I am very pleased to inform the house that next Wednesday, 1 July, the Brumby government's landmark reforms of Victoria's training system will commence. This will see from next Wednesday the introduction of the Victorian training

guarantee. This is an Australian first, where all Victorians will be entitled to gain a post-school qualification. This guarantee is backed up with $316 million in funding for new initiatives and an 172 000 new training places.

The importance of these changes to Victoria's future is well recognised. We have seen the Victorian Employers Chamber of Commerce and Industry comment that this is 'a significant microeconomic reform'. We have seen the Australian Industry Group say that the new training package is:

> … an important boost to shoring up the Victorian skills base … increase demand by employers and employees for vocational education and training and will also increase access amongst students seeking to improve their skills and therefore their employment prospects.

These reforms have even been welcomed by the Victorian Farmers Federation, which welcomed the training package for providing useful solutions. It said:

> … now is the time to invest in training and encourage more people into the industry.

There is even further endorsement. This morning I was in Abbotsford at CNCdesign, an advanced manufacturing company in Melbourne, which is the first signatory to the Brumby government's skills pledge. This company has signed on because it understands that businesses from across the state will benefit from increasing the skills of their workforces.

Our skills reforms present thousands of Victorians with new opportunities to undertake training. This is more important now than ever as we pull together to get through these tough economic times. Unfortunately there are some in our community who are without any policy ideas of their own and without any new ideas of their own who have unfortunately taken the opportunity to run a deliberately misleading campaign — a politically motivated campaign of misinformation.

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. I ask you to have her return to answering the question she has been asked.

The SPEAKER — Order! The question asked for information about changes that are due on 1 July 2009. I believe the minister is being relevant to the question as asked. However, I will be listening even more carefully to her response.

Ms ALLAN — I thank the Leader of The Nationals for his assistance in drawing the house's attention to these important reforms. As I was saying, there are some in our community without any policy ideas of their own who are running a campaign of misinformation against these changes. You would have thought that $316 million of new funding and the creation of 172 000 training places would be welcomed and seen as good news for Victorians, particularly young Victorians. You would have thought that introducing a fairer approach to charging fees for vocational education and training so that under these changes 865 000 Victorians will pay less for training over the next four years would be welcomed by all members of Parliament. As I said before, in this economic environment the Brumby government is investing in job-creating initiatives and new training opportunities to see Victoria through these challenging times.

It is disappointing that it appears that some in our community are preferring to play politics with these changes and are deliberately distributing information which is wrong, which is misleading and which serves only to discourage young people from getting better qualifications so they can undertake the jobs they want. This is grossly irresponsible. I call on every member of Parliament to reject this approach, because it takes leadership to do the hard work and to make the difficult decisions that will help to build a better Victoria. Not having — —

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition for some cooperation in finishing question time. I will not allow the minister to be howled down. The minister has been speaking in excess of 5 minutes, and I ask her to conclude her answer.

Ms ALLAN — I will conclude, Speaker. As I was saying, it takes leadership to address these challenges that will build a better Victoria; it is not about spreading a deliberate campaign of misinformation. You, Speaker, may want to know who is writing to young people in their area and who is behind this campaign of misinformation. It is none other than Inga Peulich, a member for South Eastern Metropolitan Region in the Legislative Council, who is writing to her constituents and spreading misinformation.

The Brumby government will continue to take action to ensure that all Victorians, particularly young Victorians, will have access to the training they need to secure jobs they want. Telling young people — —

The SPEAKER — Order! I think the minister has misinterpreted my understanding of the word 'conclude'. I ask the minister to conclude her answer.

Ms ALLAN — I call on all members of the house to get on board to support these changes and make sure that young Victorians are getting the right information to get the training they need to secure the jobs they want.

FOOD AMENDMENT (REGULATION REFORM) BILL

Second reading

Debate resumed.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Food Amendment (Regulation Reform) Bill 2009, the purpose of which is to strengthen the governance of food safety regulation, to improve the administration of the act and to simplify regulatory requirements whilst continuing to protect public health.

This includes establishing a single registration or notification system for temporary and mobile food premises, which would apply statewide. Another purpose is to better target the level of regulation to the degree of risk associated with particular food premises. A new food premises classification system can be established under declarations to be made under the act. The declaration may specify which additional regulatory requirements listed in the act will apply to a type of premises, depending upon the nature of the food-handling activities.

We live in an increasingly germ-conscious world. Every week it seems that a new product is being introduced to the market, promising to kill a broader spectrum of bacteria and fungi to make us feel safer in our homes. Coupled with an array of food shows like *Hell's Kitchen, Iron Chef, Nigella Bites, Two Fat Ladies* and *Floyd on Food* consumers are now more informed than ever about appropriate kitchen standards and food hygiene.

However, some of those shows have also revealed that what we see at the front of an ambient and dimly lit restaurant can be very different to the gruesome truth of what is living in the fluorescent-lit preparation area of the chef's kitchen. For the protection of the consumer it is necessary to have robust food regulations to prevent people from getting seriously sick from any form of food contamination.

In the Evelyn electorate a lot of our businesses are tourism based. We have lots of cafes, restaurants, wineries and farmers' markets where the staff are required to frequently handle food, which is why I have taken a special interest in this bill. I also have a special interest in it because I ran a restaurant in the Yarra Valley for 20 years and am very much aware of the need to maintain consistent hygiene and food-preparation standards.

In my opinion the skill and experience of the food operators in the Yarra Valley has served as an additional line of defence against a serious outbreak of food poisoning in the region. The level of competition in the Yarra Valley hospitality industry is extremely high. To obtain the competitive edge, our businesses know that you have to provide an exceptionally high-quality product. They also know that in addition to the many thousands of good incidents, just one incident of serving something that produces an illness can destroy any goodwill that they may have spent years and years building up.

I am very proud of the food industries in the Yarra Valley. I am proud of their voluntary self-regulation, which is giving consumers peace of mind, of the networking they have amongst each other and of the way they train their staff.

There are some areas of concern with the bill, as there are when anything like this is introduced. I understand that the feedback the government has received after consulting with the 79 councils in Victoria is that they are happy with the changes but have asked that they be made as easy to understand as possible. The feedback I am getting is that they are having difficulty grasping exactly what the changes will be, because they are not clearly spelt out.

I understand that councils will be given assistance to implement the changes brought about by these amendments. However, again it is not clear what form of assistance that is going to be other than having an online food-handling program. Although this legislation is not set to commence until 1 July 2010, a sound foundation must be laid now to allow councils the time to familiarise themselves with the new requirements and set up the support systems to promote the smooth operation of the act.

It is going to be much simpler for councils in the city areas to do that — they have a much smaller geographic area for the health inspectors to police; they do not have drive for the number of hours the country inspectors do. But I am very concerned about councils such as the Yarra Ranges Shire Council, which is my local council, the Nillumbik Shire Council and the Murrindindi Shire Council. Such councils are still coping with the aftermath of the bushfires and their workloads are still so exceedingly high that naturally

they have not caught up with the backlog of work that built up during the bushfires.

At that time it was a matter of having all hands on deck, and everybody was involved in catching up and mopping up. In particular the health department at the Shire of Yarra Ranges has spent inordinately long hours working with, helping and assisting the victims of the bushfires. I am greatly concerned at the pressure that these new rules are going to put on the staff, and I ask the government to ensure that enough assistance is provided to help them get everything on stream.

I am also concerned about the number of staff who are currently employed. It is not just a system they need; they are also obviously going to need staff to help them get this in place. I cannot emphasise strongly enough how hard they have worked. They have been working seven days a week for a long time, and I really think this is putting too much pressure on them at this stage. Some parts of the bill can be brought in without any problems, but the 1 July date is worrying me.

There is no provision in the bill for a shared council database to allow councils to crosscheck registration information about food operators to ensure compliance with the requirement that businesses are registered with at least one council. This could potentially create a gap, enabling businesses to evade registration obligations. Such a database would have to be funded by the state government, and this should be included in legislation. Perhaps this is what was meant at the bill briefing — which I could not attend — when, I was informed, it was acknowledged that there would need to be tweaking around this bill before it could be fully implemented.

One of my concerns is that this amendment has been put forward without any documented evidence that the current system is not working. Whilst my own personal experience in the food industry informs my opinion that there is need for legislative change, I would like to know that a proven need exists, so that the public can be sure the government is doing a satisfactory job of prioritising its legislative agenda and dealing with legitimate concerns.

At the bill briefing it was admitted that there is a lack of data to show how many notices have been served on businesses. Therefore the public does not know if there has been an increase in notices compared with previous years or even if there has been a decline in the issuing of food safety notices, which would indicate whether a genuine problem exists that requires attention and government action or whether it was just a few highly publicised cases that have brought this on.

I also note that although clause 7C in part 2 of the bill requires the department to produce an annual report on food regulation, the clause does not specify a time frame. Theoretically, this could allow for contentious issues to be delayed as political circumstances dictate. Furthermore, there is nothing in the bill about food-borne reporting. This is surprising, given that Victoria has had a series of food poisoning outbreaks in recent years. While I understand the difficulties the department might face in proving that food is the source of a contamination, in cases where it can be proven, it would be in the public interest for that information to be made available so that people can make informed choices.

My colleague the member for South-West Coast clearly articulated concerns of people in businesses in his electorate that do not fit neatly into one class or other under the government's proposed food regulatory system reforms. I also have those concerns. For instance, class 2 food operators are defined as supplying potentially hazardous unpackaged foods which need correct temperature control throughout the food-handling process, including cooking and storage. Restaurants are the example provided for this class. In contrast, class 3 food operators are defined as supplying or handling unpackaged low-risk foods or prepackaged foods, which simply need refrigeration to keep them safe. The examples cited are milk bars and community events.

The problem is that some food operators fall into both categories. There are milk bars whose primary business is handling packaged foods but which also offer hot foods that require adequate refrigeration before cooking. Then, after the cooking is done at the correct temperature, the food is kept warm until purchase. Clearly this kind of milk bar straddles two categories, and it would not be fair to hold such a business to an overly rigorous standard in class 2 — which is where I can see a health officer's interpretation will be — when the majority of the business is done through class 3. Would it cut out any confusion or administrative issues if an intermediate class were introduced between classes 2 and 3?

It is difficult now for small businesses to survive, and a milk bar is a classic example that we all use when we refer to small business. The people who run them battle to make a living. They have to supply convenience foods. The expectation of the public is that they will have prepackaged food and hot and cold food. We could regulate them out of business, so that they are affected not just by the competition they get from the big shops.

Before closing, I am glad to see that clause 7B in part 2, gives the department a formal role in helping to promote the objectives of the amended Food Act. As I said, I have had more than 20 years experience in the food industry. It is necessary to have regulation, but the regulation must include common sense and be practical.

Mr INGRAM (Gippsland East) — It is a pleasure to rise to speak on the Food Amendment (Regulation Reform) Bill 2009. The bill addresses an issue which has been debated strongly over many years. While there is a lot of detail in this legislation I think there are still some concerns about its complexity and how it may be implemented by councils.

I would like to go back to some of the reasons why this legislation is before the house. In the lead-up to the 1999 election the East Gippsland Shire had implemented the then state government's changes to food health safety regulations and laws after an issue in Springvale involving dodgy pork rolls. Those changes reverberated around Victoria to the extent that they were probably most acutely felt in regional areas. At the time the East Gippsland Shire Council had applied its interpretation of the laws, as it thought it was required to do, and the impact of that was that the functions of a whole range of charities, non-profit groups and small businesses were put at risk. It was felt deeply within those communities because people considered that their way of life and the way they had done things for a long while was being threatened by something they believed was a very limited threat.

Food health safety is very important. Anyone who has had food poisoning or been sick after eating poorly handled food knows that is not something that anyone likes to have; it can be fatal. Organisations like the CWA (Country Women's Association), local football clubs and a whole range of other organisations in my area are very good at preparing food. There is no real safety risk because they are safe food providers, but a range of red tape was applied to their businesses. There was a lot of concern about the impact of those draconian changes.

After I was elected I had a number of meetings with local government and representatives from the health authorities but, unfortunately, only a limited amount was done. It was so much of a concern that I raised the matter in my inaugural speech. It was a fairly strong issue in the lead-up to the 1999 election. While some minor changes were made, one of the major things we talked about fixing was the level of compliance and the difference between, for example, a charity or a not-for-profit group which runs a sausage sizzle and a full-blown food business that prepares a whole range of different foods in a commercial kitchen. The small groups were feeling the impact most. It is the job of full-time businesses. Clearly, they need to have a food health and safety officer and a whole range of structures in place to ensure that there is no cross-contamination and that bugs cannot get into the system.

For someone who does a barbecue or a sausage sizzle, or for the Country Women's Association (CWA), which might prepare a few cakes — they might be cooked at home and sold at a fete or something like that — there should be a totally different approach. If you look at the second-reading speech that was presented with this piece of legislation, you see it is the basis of what we are discussing here. The fact that it has taken 10 years to acknowledge that there is a problem — —

Dr Napthine interjected.

Mr INGRAM — I will not take up the interjection, but the concern is that this still will not change the level of compliance, the regulatory oversight and the red tape.

When the Rural and Regional Development Committee went around the state conducting the country football inquiry, which I was involved in, one of the issues that was raised by a large number of the football and netball clubs and other sporting clubs across the state was the difficulty of compliance with these rules. Their concerns were about the impact it had on their volunteer base and the people who were working in their canteens and so forth. I would like to think we can get back to a common-sense approach and common-sense laws.

We are not the only state that has gone down this path. I understand many of these rules are done at a national level and apply across Australia. I regularly travel into southern New South Wales, and there is a butcher shop there which had national recognition for its produce — handmade and homemade venison and kangaroo salamis. This butcher is a German immigrant. He is a fairly young fellow, and he brought his family out here. He produces some of the prize-winning smallgoods at both the Melbourne and Sydney royal shows. He had to move his business into Cooma because of the lack of local throughput in the winter months. I had not seen him for a number of years until I dropped into his shop just recently. The impact on him of the implementation of these laws in that state — laws similar to the ones we are legislating in Victoria — was that he could no longer justify the cost of complying with the food health safety rules up there and was no longer making that salami, even though that was his passion. He still

makes it for his own use but cannot sell it through the butcher shop because of the compliance issues, the red tape and the regulatory impact.

Clearly butchers who rely on regular and repeat trade have strict obligations on how they prepare their food, handle their food and deal with their products, and it is in their best interests to make sure that there is no contamination or risk to their consumers. But the rules that have been applied have led to a lot of these types of businesses stopping doing what they want to, and the only places that produce these types of products now are the large commercial produces. We no longer get that high-quality regional produce which we all love to promote in our regions. That is one of the downsides of overregulation.

Unfortunately too often in this place we make laws for the worst performers. We do not necessarily recognise that for the vast majority of all food producers, food handlers, factories and food manufacturing businesses it is in their best interests to make sure that there is no risk to their consumers. One bad episode can force a business to close and give it such a bad name that it will never be able to sell any products again. Unfortunately we have seen too often that we apply laws to protect the consumers because of the small number of rogues. Instead of having inspections and quality assurance processes to weed out the bad performers, we have laws which mean that a whole range of the products that we all find so appealing are taken off the market. There is nothing better in a regional area than going to a country show and having scones and other products cooked by the CWA or other country groups or going to a football club sausage sizzle. They are some of the pleasures of living in a regional area. We have put those things out of touch for a lot of people.

Mr PERERA (Cranbourne) — I am pleased to join all members of this house to support the Food Amendment (Regulation Reform) Bill 2009. Food is the third most important entity behind air and water for human survival. Food is not something that is confined to human and animal survival. Food plays an important role in socialisation, fundraising, shaping physical appearance and charitable activities as well.

As members of this house are well aware, Italy is famous for pasta; Germany for sausages; India, Sri Lanka and Asia for curries; and other parts of the world for different types of food. We in Australia in general and Victoria in particular are famous for all of the above foods because this is home to all those diverse groups from around the world. What a place to live, work and raise a family!

However, in the broader definition of food there are only two types: good food, which is good for you, and bad food, which is bad for your health. The number of cases of food poisoning in Australia is 5.4 million yearly. The number of daily cases of food poisoning in Australia is 11 500. They are alarming statistics. According to the available statistics, 120 people die due to food poisoning each year in Australia. Poor diets are a significant contributing factor to the growing burden of chronic disease within the community, especially among the most vulnerable in our society — the young and seniors.

The food industry employs about 370 000 people in Victoria and generates an estimated $6.8 billion in exports. This is huge — about 14 per cent of our workforce — and it is growing by the day and is very much enriched by our diversity. During my recent visit to Sri Lanka and India it was revealed that a lot of Australian food products are used in that part of the world. They have a belief that Australian products are clean and very hygienic.

A large proportion of the industry's activity takes place in provincial Victoria and is spread across approximately 86 000 businesses. That is why food regulation plays an important role in protecting public health and promoting confidence in Victoria's food industries. That is why the Victorian Competition and Efficiency Commission has inquired into the regulation of the food business and why, in 2008, the Brumby government announced that it will implement the overwhelming majority of the VCEC's wide-ranging recommendations in its September 2007 report, *Simplifying the Menu — Food Regulation in Victoria*. The obligation on all food businesses to provide safe food is enshrined in the current act and will continue to apply.

The food processes and outcomes are varied in a multicultural society such as ours. Setting up regulatory frameworks is always challenging. This bill, rightly, seeks to strengthen Victoria's food regulatory system to focus more on outcomes than processes and to make sure that it is better targeted to address the risk of food-related illness and that it imposes only reasonable burdens on food businesses. It will ensure that regulators, food businesses and community groups have better access to information, advice and education so they can comply with their obligations and be accountable for their practices. It will help consumers, particularly vulnerable groups who may be most affected by food poisoning, to get the information they need to build confidence in the Victorian food industry.

It is very encouraging to learn that food systems and program improvements are based on strong evidence.

The VCEC investigations found that the current one-size-fits-all classification system for food premises ignores both the nature and size of businesses and demographic changes in the contemporary Victorian society. This results in an excessive regulatory burden and creates an unnecessary cost for a number of businesses and community groups. The bill will alter the act to enable the current classification system to be expanded from two to four classes. This will allow regulations to be better matched to the level of food safety that each class of food premises needs to match. These changes mean reduced regulatory requirements for many community groups and lower risk food businesses. The changes will also reduce unnecessary duplication, particularly in the areas of assessment and audit.

The 79 councils across Victoria will have the task of enforcing the new laws in a consistent manner. Therefore, the bill proposes that the department play a more significant role in providing advice to councils about the act. The two current classifications are high risk and medium risk. Class 1, high risk, covers premises that handle and supply ready-to-eat food predominantly for vulnerable population groups such as the elderly, children five years of age and under, hospital patients and others whose immune systems are compromised. All other food premises are currently classified as class 2, medium risk. If these premises are selling food to raise funds for community or charitable causes, they are exempted from the requirement to have a food safety supervisor. At present the only food premises that do not currently need both a food safety program and a food safety supervisor are those selling low-risk, prepackaged food such as carbonated beverages or sugar-based confectionery.

The purpose of the four new classes is to better match the operation to the food safety risks. Class 1 applies to facilities that serve food to the young, the sick and the elderly, who are more vulnerable to food poisoning because of their age or state of health. Class 2 applies to manufacturers or premises handling and/or preparing unpacked food that requires temperature control because it runs the risk of contamination and growth of bacteria. Class 3 applies to premises handling low-risk food operations such as bread baking, supplying wholesale or prepackaged food or selling prepackaged potentially hazardous food that requires temperature control, and to some community activities. Class 4 applies to premises selling shelf-stable, prepackaged food, to low-risk community food activities such as sausage sizzles, where food is cooked and served immediately, and to cake stalls and sessional kindergartens serving simple food such as cut fruit.

The act as amended by the bill will make it mandatory for class 1 and class 2 food premises to register with the relevant council, have a food safety supervisor, be inspected by the council prior to initial registration or transfer of registration to a new owner and to have a food safety program. Operators of class 2 premises will be required to have either a standard or non-standard food safety program. Operators of class 3 premises will need to be registered with the council and the premises will need to be inspected by the council when initially registered and annually thereafter. Operators will need to keep basic records of their food-handling practices. Operators of class 4 premises will be required to inform the council of their food business activities via an easy notification system and the premises may be inspected at council discretion, based on any concerns.

Under the current act, temporary or mobile food premises including relocatable tents, stalls, mobile vans and vending machines are required to be registered separately in each of the municipalities in which they operate. If these operators move within my electorate of Cranbourne, such as from one end to the other, they will need to shuttle between two local government areas and will therefore be required to have multiple registrations. This dinosaur approach can be especially burdensome for small businesses and community groups. The bill amends the act to allow such operators to have a single registration. Under the new provisions, operators will be registered annually with the municipality in which they are based. They will lodge a statement of trade which specifies the details required in the particular case where the stalls or vans will trade. It is proposed that this document will be able to be lodged online, automatically informing all affected councils. Such operators are part and parcel of our society. They could be anybody from vendors selling ice-cream to our kids while driving along our back roads to an operator moving from one country fair to another offering exclusive food items to regional and country communities. I commend the bill to the house.

Mr MORRIS (Mornington) — I am pleased to have the opportunity to make some comments in the debate on the Food Amendment (Regulation Reform) Bill, which is intended to improve the governance of the food safety industry and to reduce regulation by improving the controls and the enforcement process. I can only say thank goodness for that, because the present regime is notable for two things. Firstly, it is a complete failure in terms of outcomes, particularly in terms of improved food safety regulation, and secondly,

it imposes a ridiculous regulatory burden on both local government and the community sector.

Time and again I have heard members of community groups say they cannot really be bothered participating in community events such as sausage sizzles and so on because 10 or 15 pages of forms need to be filled in. If filling in 10 or 15 pages of forms would improve outcomes, you might conceivably consider it, but there is very little evidence of it doing that. It is simply a burden and provides a clear incentive for people to opt out of community activities — and these sorts of groups are the glue we need to hold the system together.

As has been said on a number of occasions in this debate, the bill had its second reading on 10 June, just over two weeks ago. We are talking about a bill of 109 pages with an explanatory memorandum of 38 pages.

The minister, by his own admission — and I am quoting from the press release of 10 June — calls this a raft of reforms. Clearly it is a lot more than simply making minor changes or tinkering around the edges. Worst of all, the majority of the changes are not due to be implemented until July 2010 — a full 12 months away. We are talking about a food industry that is a big business — 370 000 jobs, nearly $7 billion in exports and 86 000 businesses. It is not of a small scale; this change is not a small change. Again referring to the minister's words in the second-reading speech, food regulation is complex.

Why are we debating this bill this week? Why not let it lie over for four weeks and get it right? I know the argument is that this has been an ongoing and long process. We had a Victorian Competition and Efficiency Commission report in 2007 — a draft report of some 432 pages and a final report of almost 400 pages — and a government response that ran to 38 pages. Yes, there has been widespread, wide-ranging debate; yes, the government thinks it has it right; and no, it is not about the opposition needing more time to deal with this. We are on top of it. The fact is the legislation has been available for only 15 days — in other words, for just over two weeks. It is simply not enough time for all the players to become acquainted.

Only last Thursday the Municipal Association of Victoria was able to advise its members that the legislation was even around the place. I imagine the various trade associations for the food industry are trying to do the same thing — to get word out to the 86 000 businesses that 'These are the rules and they are finally here after two-and-a-half years of discussion'. But it is simply not long enough to have an informed debate in this house.

It probably has not occurred to the government that councils have day-to-day responsibilities; they cannot simply respond to the bill because it is all of a sudden out there. Exactly the same thing goes for businesses. They have to make a quid; that is their day-to-day priority. They can deal with the regulation issues, but they cannot do it in the blink of an eye.

Once again we are forced, through the government's unreasonable and contemptuous deadline, to debate the bill in this house without input from local government, without input from the enforcers and without input from the participants in the industry. It is simply not good enough. It yet again puts the lie to the government's claim that it is working with local government. What happened to consultation? It is certainly not on with this lot.

Clearly 10 minutes is not sufficient time to address changes of this magnitude. There is plenty to be said about the change in the classification of food premises and about minimum record keeping, food safety provisions and food safety supervisors.

There are quite a few points to be made in terms of proposed part VIIIA, headed 'Publication of convictions'. That has had very little exposure in this debate. I am sure most of the participants have yet to see the final text that we are debating this afternoon. They are all items of considerable importance, particularly to small business. Unfortunately the restrictions and limits that have been placed on this debate by the government have in effect turned it into a sham.

In the limited time remaining I want to talk about proposed part IA in clause 7, which inserts a number of sections. Proposed Section 7A deals with the role of local government; proposed section 7D refers to 'Information required to be provided by councils' and proposed section 7E covers the new ability of the Minister for Health to give direction to councils.

The Municipal Association of Victoria, in response to the interim VCEC (Victorian Competition and Efficiency Commission) report, expressed some strong views on those three subjects in particular. On what is proposed to be implemented as section 7A the MAV response was:

> The current wording —

of the VCEC recommendation, which is reflected in the bill —

> needs to be amended to read 'that the Minister for Health is required to support local government in its administration of the Food Act …
>
> …
>
> Under the Local Government Act … councils are autonomous organisations answerable to their communities through democratically elected councillors, not state government ministers.

The response went on to say that this should be managed through an intergovernmental agreement, and that is an aspect that is conspicuously absent from this discussion.

On the provision of information in proposed section 7D, the MAV had this to say on performance reporting:

> … the MAV considers it appropriate —

that the state government —

> contribute to the costs associated with reporting the Department of Human Services requires to perform —

this reporting function. It further stated —

> This could be achieved through service agreements with councils, with specific data requirements negotiated with councils, and funding for the IT system that may be necessary to achieve statewide reporting.

We have heard nothing about this. We have had no input from local government about its view on the subject. All we know is that yet another layer of complexity is being added — another layer to be funded by the ratepayers, without any input from the government.

The final point I want to speak about is proposed section 7E which deals with the ability to give a direction. On that, the MAV stated:

> This recommendation goes to the fundamental question of councils' right to determine their own priorities and how they allocate local resources … If the state requires support and cooperation from local government, this should be negotiated via an intergovernmental agreement, not by statutory commandment.
>
> The MAV could only support this recommendation if it is written into legislation that any ministerial direction issued to councils has first been negotiated and agreed by councils.

This has not been done. The final point from the MAV on that question was:

> If the state government is not willing to consider these proposals, then it may be more appropriate for a single food regulator to be recommended [to] be located within the state government …

In other words, the MAV's response to the proposals is, 'We don't want a part of it'.

Clearly there are some issues in the legislation. I am not saying the MAV is right on every one of those issues, but they are serious issues, they deserve serious consideration, and they deserve a lot better than being rushed into this house less than two weeks ago and pushed through after a couple of hours' debate in this place. It is a complex and important subject, it is a very large employer, as we have noted — and this process simply is not good enough.

Mr WALSH (Swan Hill) — I rise to make a contribution on the Food Amendment (Regulation Reform) Bill 2009. When we are talking about food, we could probably talk about the food bowl project as well.

An honourable member — Water is food.

Mr WALSH — Water is food. This is a major change to the food regulations in Victoria, and I particularly want to talk about the changes from two categories to four categories for food premises. That has been of particular interest to me and to a lot of people in my electorate, particularly the issues around sausage sizzles, cake stalls, CWA (Country Women's Association) catering and the like. Ever since the regulations were changed back in the 1990s, it has been a huge impost on those organisations.

The new rule proposes four categories of food premises instead of the two that now exist. Class 1 covers premises that are high risk — those that handle and supply high-risk, ready-to-eat food predominantly for vulnerable population groups, particularly the elderly or the very young or those in hospitals. The second class covers premises engaged in the manufacture or handling of any unpackaged, potentially hazardous foods, such as food that requires temperature control, such as cafes and restaurants. It would be envisaged that class 2 businesses would be required to be registered with councils, to have a food safety plan, and be required to have a food safety supervisor, or alternatively a competency-based, accredited staff training program for the people who work there.

The third category covers premises handling low-risk activities such as baking bread, the wholesale of prepackaged goods or the selling of prepackaged potentially hazardous foods that require temperature control. These premises will need to register with councils and be inspected by the councils when they are initially registered and annually thereafter.

The fourth category is of particular interest to me. It is for premises selling shelf-stable prepackaged food or

running low-risk community activities such as sausage sizzles, where the food is cooked and served immediately. This new class also covers the sale of uncut fruit and vegetables in places such as farmers markets. Premises in this category will be required to inform council of their food business activities by a notification system but will not need to obtain formal approval through registration. They will be inspected at a council's discretion based on any concerns, but they do not need a food safety program or a food safety supervisor. The recommendation for this came out of a Victorian Competition and Efficiency Commission report.

If members look at the *Hansard* of 26 February 2008 they will see that the Treasurer, in response to a question about this issue, waxed lyrical about how the Brumby government has saved the sausage sizzle. He continually went on about how the Brumby government has saved the sausage sizzle, and he said that the new system would save organisers from having to deal with 40 pages of paperwork. The Treasurer said the system would be substantially simplified and organisers would just have to go to the council's office and notify the council that they are having a sausage sizzle.

It was in February 2008 that the Treasurer waxed lyrical about how the Brumby government was going to save the sausage sizzle. If you go to the implementation provisions of the bill before the house, you will see that these changes will not come into place until at least the middle of 2010, and some of them will not come into place until early 2011. The Treasurer was going to save the sausage sizzle back in February 2008, but it will not actually be saved until 2011. I do not know if anyone in this house has cooked at a sausage sizzle, but in my experience if you put the sausage on in February 2008, it will be well and truly burnt by early 2011 when the Treasurer will save the Victorian sausage sizzle!

If the Brumby government is so committed to saving the sausage sizzle, I do not see why we have to wait until early 2011 to have this simplified process put in place for our community organisations. I urge the Brumby government, in putting together the regulations that will be in place after this legislation is enacted, to do it posthaste — particularly the part that saves the sausage sizzles of community organisations! For argument's sake, I suggest that we will otherwise have the horrible situation whereby the Country Women's Association — a great organisation in country Victoria — cannot cut sandwiches and take them out to Country Fire Authority members attending a fire because it does not meet the food accreditation process, and the CFA will have to get a registered organisation to do its catering. I urge the Brumby government to be a lot quicker about saving the sausage sizzle in Victoria and to make sure the sausages are not burnt!

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until later this day.

DUTIES AMENDMENT BILL

Council's amendments

Returned from Council with message relating to following amendments:

1. Clause 1, line 8, omit "ownership;" and insert "ownership.".

2. Clause 1, lines 9 and 10, omit all words and expressions on these lines.

3. Clause 3, line 5, omit "definition" and insert "definitions".

4. Clause 3, line 7, omit 'Victoria;".' and insert "Victoria;".

5. Clause 3, after line 7 insert —

   "***rent reserved*** in relation to a lease, means the rent paid or payable during the term of the lease and any amount paid or payable for the right to use the land under the lease;

   Example

   Amounts paid under the lease for the following purposes are payments for the right to use the land under the lease —

   (a) rates;
   (b) charges;
   (c) taxes;
   (d) maintenance;
   (e) utilities;
   (f) legal costs required to be paid by the lessee on behalf of the lessor in relation to the grant of the lease;
   (g) insurance premiums;
   (h) marketing costs;
   (i) car park contributions.".

6. Clause 4, page 4, line 31, omit "transaction."." and insert "transaction.".

7. Clause 4, page 4, after line 31 insert —

   "(3AAB) Despite subsection (1), the granting of a lease is not a dutiable transaction if the lease was granted as a result of the exercise of an option for a further term where —

   (a) the option was provided for by a lease which was granted before 21 November 2008; and

(b) the lease referred to in paragraph (a) required the payment of consideration for the exercise of the option.".

8. Part heading preceding clause 15, omit this heading.

9. Clause 15, omit this clause.

10. Clause 16, omit this clause.

11. Clause 17, omit this clause.

12. Clause 18, omit this clause.

13. Clause 19, omit this clause.

14. Part heading preceding clause 20, omit "4" and insert "3".

15. Insert the following New Clause to follow Clause 10 —

'AA New section 49 inserted

After section 48A of the **Duties Act 2000 insert** —

"49 Leases of residential sites in caravan parks

(1) No duty is chargeable under this Chapter in respect of the granting, transfer, assignment or surrender of a lease if —

(a) the lease is a lease for a site or a site and caravan in a registered caravan park; and

(b) a caravan is located or to be located on the site and is used or intended to be used as the principal place of residence of the lessee or intended lessee.

(2) In this section —

(a) ***site*** and ***caravan*** and ***caravan park*** have the same meanings as they have in the **Residential Tenancies Act 1997**; and

(b) ***registered caravan park*** means a caravan park that is registered in accordance with the regulations made under section 515 of the **Residential Tenancies Act 1997**."'.

Ordered to be taken into consideration immediately on motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Order of the day read for consideration of amendments.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That the amendments be agreed to.

Mr WELLS (Scoresby) — The last time I spoke on the Duties Amendment Bill 2008 in this house I stated that it would not be long before the bill was back before this house because it was a complete and utter shambles. It has been an embarrassment for the Premier, the Treasurer, the Minister for Finance, WorkCover and the Transport Accident Commission and the Labor Party. It is a lesson for the government on how not to deal with legislation. It brought the bill in without any consultation whatsoever — nil. As a result it has had to bring in numerous amendments — pages and pages of amendments — and we still do not believe it has it right.

Let me make this point: we strongly support the anti-avoidance measures of the bill. There has been no question about that; we have made that very clear from day one. However, with the number of amendments the government has had to bring in, although we support its intent, we believe the wording will make the legislation less clear. One example of this lack of clarity concerns the amendments the government has had to bring in regarding stamp duty on retirement villages and on caravan parks. There was the ridiculous situation where the government was going to reduce the deadline for the payment of stamp duty on houses from 90 days to 14 days without any consultation. It did not make any sense whatsoever.

Opposition members still have grave concerns about the definitions of 'lease' and the meaning of 'rent reserved'. I listened to the debate in the upper house and the explanation of 'rent reserved' still does not make it clear enough for the opposition to support this bill. Whilst opposition members approve of a number of the amendments that have been moved by the Democratic Labor Party member and the Greens and some of the amendments put forward by the government to make this legislation better, there is still not enough certainty and clarity in the bill for us to support the bill in its current form.

Members should make no mistake — we will back in this chamber making further amendments to this bill in the months to follow. Although the amendments make some improvements, the bill will not provide certainty and clarity for the law institute or for businesses in Victoria, including those businesses that want to purchase or sell land in this state, whether that land is sold to people overseas or in other states. For those reasons, in this unfortunate circumstance we will be voting against this bill.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — In commending these amendments to the house, obviously there has been extensive consideration of this legislation in the other place. The amendments that we

are being asked to agree to have passed through the Legislative Council with the support of not only the government but the Greens and the DLP member. I simply say to the house that, despite the claims made by the member for Scoresby, there has been extensive consultation and engagement with a broad range of stakeholders on this legislation and the various amendments that have been proposed since then.

The amendments that we are being asked to consider and endorse essentially would enable us to consider caravan parks in a similar way to how we propose to treat retirement villages in the legislation. The bill removes the proposal for the introduction of the 14-day deadline for the payment of transfer duty, reverting to the previous arrangement of 90 days. The bill clarifies the arrangements around the exemption of lease renewals. Finally, the bill includes a definition of 'rent reserved', with an example to provide further clarity. We think these changes will facilitate the endorsement of this legislation by the Parliament. We welcome that and we wish the bill a speedy passage.

The ACTING SPEAKER (Ms Munt) — Order! The question is:

That the motion be agreed to.

All those of that opinion say aye.

Honourable members — Aye

The ACTING SPEAKER (Ms Munt) — Order! To the contrary no.

Mr Ingram — No.

The ACTING SPEAKER (Ms Munt) — Order! I think the ayes have it.

Mr Ingram — The noes have it.

The ACTING SPEAKER (Ms Munt) — Order! A division is called for. Ring the bells.

Bells rung.

The SPEAKER — Order! The question is:

That the motion be agreed to.

I ask the Clerk to record the votes.

The Clerk — The member for Gippsland East.

Mr Ingram — No.

The Clerk — The Nationals Whip.

Mr Delahunty — Nine ayes.

The Clerk — The Opposition Whip.

Mr Kotsiras — Twenty-two ayes.

The Clerk — The Government Whip.

Mr Langdon — Forty-nine ayes.

Mr Ingram — I would like my dissent recorded.

The SPEAKER — Order! The division will not be continued with as there is only one vote for the noes. The dissent of the member for Gippsland East will be recorded.

Motion agreed to.

GAMBLING REGULATION AMENDMENT BILL

Second reading

Debate resumed from 24 June; motion of Mr ROBINSON (Minister for Gaming).

Mr STENSHOLT (Burwood) — I am not sure how long we will have; it may be only 1 or 2 seconds. I rise to support the Gambling Regulation Amendment Bill.

Business interrupted pursuant to standing orders.

The SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business and put the necessary questions.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

FOOD AMENDMENT (REGULATION REFORM) BILL

Second reading

Debate resumed from earlier this day; motion of Mr ANDREWS (Minister for Health).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL

Second reading

Debate resumed from 24 June; motion of Mr BATCHELOR (Minister for Community Development).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Remaining business postponed on motion of Mr WYNNE (Minister for Housing).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Optometry services: low-income subsidy

Mrs SHARDEY (Caulfield) — I raise an issue for the Minister for Health. The action I ask for is that the minister investigate a matter I have already brought to his attention and examine whether a solution can be found. The issue revolves around the Victorian Eyecare Service program run by the Department of Human Services (DHS), which provides a subsidy to low-income earners for the provision of spectacles. I understand this subsidy is currently made available through the Victorian College of Optometry and I presume offers low-cost eyewear to clients at the college in Carlton. At the outset I will say that I am very supportive of this program and fully appreciate the benefit that it undoubtedly brings in particular to older people who have limited means in particular.

The matter I raise is on behalf of an optometry business in my electorate, Healthcare 2 You, the owner of which has written to me explaining that his business provides services to a large number of residents of some 520 aged-care facilities across Victoria. He writes that it has recently come to light that the Victorian College of Optometry is contacting facilities with which he has existing relationships offering to deliver a similar service but one which is heavily subsidised because of funding the college receives from DHS.

While my constituent has no issue with the college providing its subsidised service at its campus, he does express concern that the commercial inducement being offered through the marketing campaign being conducted by the college to those facilities his business currently services puts his organisation at a major disadvantage in an economic climate where there is the risk of his losing customers and possibly struggling to obtain new business despite being of the view that his organisation provides a superior service.

My constituent is suggesting that even though he does not shy away from competitive forces, if the government wishes to maximise the delivery of the subsidy offered to those in need who want spectacles, then it should examine the prospect of providing the same subsidy to other providers on a fair and level playing field basis. In support of my constituent's claim of providing a superior service, he refers to the provision of on-site services for the frail and elderly in their own home environment, providing continuity of care with a fleet of vehicles on the road each day to give a prompt service, and a customer-care phone service to ensure customer spectacles can be replaced, adjusted or repaired in a timely manner.

I have raised this matter with the minister. I have given him a copy of the letter. He had hoped to be here this afternoon but unfortunately he was called away. I look forward to receiving his response on this matter.

Children: early childhood services

Mr BROOKS (Bundoora) — The matter I wish to raise is for the attention of the Minister for Children and Early Childhood Development. The specific action I seek from the minister is that she allocate extra early childhood intervention service places in the northern suburbs of Melbourne. The Brumby government's 2008–09 budget allocated $23.9 million over four years for 500 additional early childhood intervention service places in the 2008–09 year and a further 500 places in the 2009–10 year.

According to Australian Bureau of Statistics data, the number of children with a disability in the community is increasing. This appears to be linked to the baby boom and to the increase in some conditions such as

autism spectrum disorders. Research has shown that provision of the right support and services to these children at an early age achieves significantly improved outcomes further down the track. Therefore it is vital that there be more intervention service places available for local children and their families. Demand for early childhood intervention is strong across the whole state but nowhere more than in the Department of Children and Early Childhood Development's northern region, which covers my electorate of Bundoora. Because of that high demand, last year 177 of the 500 new places were allocated to the northern region.

My request to the minister is for her to provide more intervention places to support children in the northern suburbs. I ask the minister to indicate when the next 500 places will be allocated and how many of those places will be for the northern region.

Planning: South Gippsland

Mr RYAN (Leader of The Nationals) — I raise for the Minister for Planning the issue of amendment C48 to the South Gippsland planning scheme, which was gazetted on 28 May 2009. The action I ask of the minister is that he stay his hand with regard to the implementation of the amendment. This is a matter I have previously raised with the minister, but I raise it now in a different context. The amendment as gazetted is causing extraordinary angst among the people of South Gippsland. I have received dozens of representations by email, by letter, by facsimile and certainly by telephone from people who are impacted upon in one way or another by the terms of this amendment.

The basic purpose of the amendment will see the preclusion of people being able to build a house on an area of land of less than 40 hectares within the farm zone. The anguish which is being caused in our communities is for various reasons, but first and foremost is that the effect of the planning scheme amendment is retrospective. Many people who have invested substantial sums of money in being able to develop their areas of land will be impacted on, yet until the gazettal of this amendment they understood it would enable them to build a house. Those people are now going to be prohibited from proceeding with their plans.

It is going to mean, therefore, that enormous amounts of money are going to be lost. A further effect is that we have literally hundreds of people in these zones who are going to be subject to this sort of influence. It is going to have a consequent effect on their personal finances, and indeed financiers associated with those people are also concerned.

I have correspondence from Beveridge Williams in Leongatha, which, in part, reads:

> The existing restructure and house lot excision provisions were used effectively to grow farming enterprises and to consolidate farming land.

That goes to the nub of this whole issue. The whole idea behind this amendment is laudable. The whole idea, it is said by the minister, is to advocate for the protection of productive farmland. In fact, the use of these planning arrangements, as has historically been the case in South Gippsland, has achieved exactly that result. It has assisted in the protection of productive land; it has enabled farms to be consolidated; it has given people an exit capacity from the industry where they wish to do it.

I ask, therefore, that the minister reconsider what he is doing. I do so particularly when we are trying to develop a local option through planners and working with the council to do it. I ask the minister to consider the amendment.

Road safety: Forest Hill electorate

Ms MARSHALL (Forest Hill) — I wish to raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to increase the vigilance of police on our roads to ensure that people are not killed or injured on the roads in Forest Hill as a result of speeding.

In the city of Whitehorse, which encompasses my electorate of Forest Hill, there have been 9 fatalities and 534 serious injuries recorded in just the last three calendar years of 2006 to 2008.

The people of Forest Hill are not immune to the devastating impact of road trauma and the flow-on effect it can have on the entire community. Constituents relay to me their tragic stories of relatives, friends and neighbours whose lives have been cut short or adversely affected by a traffic accident that could have been prevented if the driver of the other vehicle had not been speeding. A major factor in approximately 30 per cent of fatal crashes, speeding remains a big killer on our roads. This is unacceptable and is why I ask the minister to increase vigilance on our roads to reduce this loss of life.

In my electorate there has been a recent media focus on motorists being fined for speeding. It has been reported that from January to March this year in the Whitehorse traffic police region alone, mobile speed cameras

recorded 14 126 motorists driving in excess of the speed limit. I congratulate Victoria Police on its efforts to deter motorists from speeding and reduce the number of fatalities on Forest Hill roads.

Nine fatalities on roads in Forest Hill over the past three calendar years is disappointing, and I am comforted to see that Victoria Police and the Brumby government are taking such an aggressive approach to curb the number of deaths and serious injuries on the roads each year. The reduction in Victoria's road toll is clear evidence that this approach is working.

The Liberal opposition has remarked that the increase in the number of fines in the Whitehorse area is due to a decreased police presence on our roads. In particular, opposition roads spokesman, the member for Polwarth, has publicly denounced the Minister for Police and Emergency Services for replacing police presence on Victorian roads with 'fixed cash register revenue raisers'.

The member for Polwarth and the Liberal opposition are more interested in scoring cheap political points than in the safety of the people of Forest Hill and everyone in the state. The member also appears oblivious to the fact that Victoria Police decides where mobile speed cameras are placed, not the state government, and this is vital in the process; it needs to be done free from political interference.

If mobile speed cameras have saved one life or stopped a driver from speeding, that is what is important. It is abundantly clear from the opposition's comments that it would rather see fatalities on our roads than see mobile speed cameras. It would rather take the line that it now does than take the hard measures to protect people. This government would be happy to receive no revenue from cameras if it meant that motorists were no longer speeding.

I am thankful that the Brumby government makes no apologies for this aggressive strategy to cut the existing road toll by a further 30 per cent by 2017 and congratulate them on the work — —

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

Foxes: control

Dr NAPTHINE (South-West Coast) — I wish to raise a matter for the Minister for Agriculture. The action I seek from the minister is for him to put a halt to the mickey mouse FoxStop scheme and replace it with a genuinely effective fox bounty program that will significantly reduce the number of foxes in the community and protect the native wildlife, lambs, poultry and other livestock.

The FoxStop scheme is simply another re-run of the twice failed fox lotto programs of the 1990s and in 2006. In an article in the *Age* of 19 June 2009, the minister advised that under the FoxStop program, 3100-odd foxes had been killed in three months. That is a rate of 1000 foxes per month. By comparison, when the fox bounty program operated in 2002–03, over 170 000 foxes were destroyed in 12 months — a rate of over 14 000 per month, which is 14 times the performance of the FoxStop program.

The message is loud and clear: the FoxStop program, which is simply a re-run of the failed Foxlotto programs, is a failure. A fox bounty program is significantly more effective. In 12 months the fox bounty program had over 170 000 foxes destroyed. That is 170 000 less foxes destroying our wildlife and livestock, which meant there were 170 000 less foxes breeding the next generation of hungry lamb-and-bandicoot-eating foxes.

I call on the minister to introduce a proper integrated program to control this fox vermin in Victoria. We need an integrated program which includes a genuine fox bounty program, plus targeted baiting and destruction of fox habitats.

The other problem with the FoxStop program is there is restricted access to this program to certain registered shooters. What we need is a fox bounty program which has been proven to be effective, which does make a difference and which is well accepted by the community, whereas the FoxStop program is another gimmick of this government like the Foxlotto program introduced previously, and it is a failed system.

The system that works is a fox bounty program where people are paid a bounty for each scalp that is returned, integrated successfully with fox baiting and targeted habitat control programs. That is what is needed to control foxes. If we can control foxes, we can give better opportunities for native wildlife and livestock to survive free from fox damage.

Real estate agents: advertising

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the Minister for Consumer Affairs. The action I seek is that he ensures his department examines each and every one of the letters I have written to it since 9 December, letters to which were attached a copy of the *Moreland Leader* and what I understood to be breaches of the Real Estate Agents Act. Since

9 December I have been writing to the minister basically on a weekly basis, informing him of where I see the law not being upheld in relation to the Real Estate Agents Act.

I recently had the experience of attending an auction with a family member where a property had been advertised as $440 000 to $470 000 in the advertising period, but at the auction the property was declared on the market above that advertised price.

I believe this practice makes life very difficult for potential vendors and consumers, and it needs to be addressed. Transparency and self-regulation for auctions is essential. I have received an excellent letter from Keatings Real Estate in High Street, Woodend. It has also given a copy of this letter to the member for Gisborne. It spells out very clearly why it is important to have transparency and price self-regulation for auctions.

Its concerns are identical with mine. It wants reserve prices to be clear; it does not want people wasting their time. Keatings Real Estate made the following three points in an attachment to its letter:

(a) Purchasers would not waste their time at inspections or their money on building reports et cetera if the reserves were out of their price range.

(b) Vendors' price expectations would be self-regulated because they would not want to waste their money on expensive advertising campaigns if their own reserves were unrealistic.

(c) Estate agents and their sales representatives would not want to waste their time and money working on properties where the vendors have unrealistic price expectations.

When a person buys major white good items, for example, they go into a shop and it is clear that there are prices which people can negotiate. They have a fairly clear indication of what is expected. The practices in real estate agencies have to change.

Clegg Road–Wellington Road, Wandin North: traffic management

Mrs FYFFE (Evelyn) — My request for action is to the Minister for Roads and Ports, and it is about the dangers of the intersection at Clegg Road and Wellington Road in Wandin North. Before any member wants to make light of this issue and be critical of the fact that my home address is actually the corner of Wellington Road and Hunter Road, I want to make it clear I do not live near the intersection that I will be talking about tonight.

I have been approached by residents and people who utilise these roads to raise this issue. It is a dangerous intersection and is prone to serious accidents. The dense trees lining the road are a barrier to driver visibility. Also the speed of motorists driving on Clegg Road means that cars blocked by the trees can come upon a driver on Wellington Road trying to cross Clegg Road just as they finish doing left and right head checks. It is an intersection in dire need of traffic management improvements.

There is a continuous stream of traffic on this road from 5.00 a.m. until late at night. It is the main connecting road for people from the Upper Yarra Valley, Woori Yallock, Seville and Wandin who travel to Bayswater, Scoresby and Boronia to work. We also have quite a lot of tourist traffic using Wellington Road to go to Mont De Lancy, which is a fantastic tourist destination, to the lavender farms, to the native gardens and then to the farms for farm-gate sales.

We also have a lot of heavy trucks using Wellington Road and crossing over the intersection of Clegg Road to go to the packing sheds to pick up seasonally available produce. It is a very busy intersection. It has been suggested that a roundabout would solve problems. I am not quite so sure about that. I ask the minister to ask the department to look at what will work correctly at the intersection.

The width of the roads may prohibit a standard roundabout at the intersection, but we need some traffic management. The incidence of accidents is increasing each year. There is also a dip in the road that is a few hundred yards away on the Mount Evelyn side of the road. If a vehicle is in the dip, you do not see it from the intersection until the car is coming out of it and approaching the intersection.

I received a letter from VicRoads on 17 June stating that proposals for improvement projects must be considered and evaluated on a statewide basis, and that VicRoads is investigating ways to improve the visibility. It is looking at removing a tree on Clegg Road. Although this would improve visibility for people turning right from Wellington Road onto Clegg Road, it is not going to help any motorists approaching from any other direction. It is one of those difficult situations where rural industry has grown and residential development has happened, and the intersection is being used as a thoroughfare. The volume of traffic is far more than an intersection like that would normally carry.

Lower Heidelberg Road, Eaglemont: pedestrian crossing

Mr LANGDON (Ivanhoe) — I raise a matter for the Minister for Roads and Ports. The action I seek from the minister is to fund a pedestrian crossing on Lower Heidelberg Road between Banksia Street and the Burke Road North roundabout or at the cutting just before it. The minister is well aware of the issues surrounding my request, as I have written to him and his predecessor on numerous occasions regarding this matter.

Honourable members interjecting.

Mr LANGDON — The member for Bulleen agrees with me that this area needs a pedestrian crossing. He knows my electorate well.

Since 1996, when I was first elected, I have fulfilled every single election commitment I made to the people of the Ivanhoe electorate. This is the only outstanding commitment. I am now more dedicated than ever to making sure this signalised pedestrian crossing is installed on Lower Heidelberg Road somewhere between Banksia Street and the cutting. Lower Heidelberg Road is an exceptionally busy road. It has a major bus route to Kew High School and to Kew itself. A lot of people endeavour to cross the road to get that bus service. It is exceptionally difficult. Dare I say that they are taking their lives into their own hands in trying to cross the road. I have been campaigning for this particular crossing for over 13 years. A former councillor of the area, Julie Abell, was also very supportive, as were local residents.

This is not to say I have not been successful in obtaining many pedestrian crossings for my electorate. I am pleased to advise members that I have obtained pedestrian crossings at the Waterdale Road shops; the Ivanhoe shopping centre; the Rosanna shopping centre, which received pedestrian signals; and the Mall shopping centre. Currently a pedestrian crossing is being installed at the Heidelberg shopping centre. I believe it is going to be opened on 30 June, which is not far away at all.

The City of Banyule has listed this particular crossing on Lower Heidelberg Road as one of its priorities. On its list it explained the reason for listing this crossing — it is because of my constant lobbying, not the ward councillor's constant lobbying.

I would be more than pleased if Banyule City Council would get behind some of these issues. At a recent meeting I asked the council to give me a list of the roads they want pedestrian crossings on. The Banyule City Council stated its reasons. I am more than pleased to support this proposed pedestrian crossing.

I take this opportunity to thank one particular local resident, Louise Lunn, who has probably lobbied me as often as I have lobbied the minister.

Mr Kotsiras — Who?

Mr LANGDON — Louise Lunn has lobbied me to get this pedestrian crossing. I request the minister to take urgent action to get this crossing funded and to finally make sure we have pedestrian safety on Lower Heidelberg Road.

Sandringham Primary School: upgrade

Mr THOMPSON (Sandringham) — I seek the opportunity to lead a deputation from Sandringham Primary School to meet with the minister to discuss major upgrade works and modernisation works required at the school in an extraordinary situation.

I advise the Minister for Education that the works required at the school include the replacement of six demountable classrooms and the repair of rotten floorboards in four classrooms, where currently furniture is placed strategically over these areas to prevent students from falling through the floor. The ceilings in the majority of classrooms are not painted. A number of windows have been blocked off as the frames are so rotten that they would break if they were opened, and any sort of slight pressure applied would cause the glass to fall out and smash.

In addition to those problems, the second-hand carpet installed 15 years ago needs to be replaced. The old clay pipes connected to the half-flush toilets became infested with tree roots because the volume of water is not being used when toilets are flushed. Every three months a plumber is employed to fix the problem, and tens of thousands of litres are wasted to flush out the pipes. The roof leaks into five classrooms. There is no ventilation in one of the toilet blocks. And the school has an enrolment demand that exceeds the number of places available.

In an extraordinary development, in an email sent to the school principal at 4.32 p.m. yesterday the school was advised that unless the offer from the region was accepted and signed off by the president of the school council by 12 noon today — the school council president works full time — the school would not receive any funding offered. The school was in fact given 3 hours to sign off major works. It is a matter of

great concern to the parent committee of Sandringham Primary School.

As a further matter, one of the parents, Simon St John, stated that this is a clear-cut case of the education department bullying and blackmailing school parents so that the minimal amount of work has to be done and so that state school parents miss out. The regional director has not even visited the school during this process, nor has his subordinate regional network leader visited the school to ascertain the requirements and work through with the parents what is required. The school was given 3 hours notice to make a decision on over $1.5 million or miss out completely. Simon St John stated, 'It is not an education revolution. It is an education destruction'.

I seek the opportunity on behalf of local parents and the very strong Sandringham Primary School community to meet with the minister to work through these issues so that a fair deal can be given to members of the Sandringham Primary School, one of the great primary schools in Victoria.

I point out too to the chamber that while $9 million has been allocated in the electorate of Mordialloc for a major secondary school refurbishment and while $6 million has been allocated to a school in the marginal seat of Bentleigh, Sandringham has been left high and dry. It is about time the government stepped up to the table to provide good funding for Sandringham electorate schools.

Housing: Preston electorate

Mr SCOTT (Preston) — The matter I wish to raise in the adjournment debate is for the attention of the Minister for Housing, who I note is present in the chamber. The action that I seek from him is for the Victorian government to work in cooperation with the commonwealth to make a substantial investment in public and social housing in my electorate.

The Brumby government is leading the way by expanding housing choices for low-income Victorians through investments in public housing as well as schemes such as the national rental affordability scheme and its commitment to grow the social housing sector across the state. I believe we need to take further action to increase the supply of affordable housing, especially in the suburbs of Preston and East Reservoir.

As we all know, the private rental market is now extremely tight. Although the most recent report shows a slight easing in the vacancy rates across Melbourne — they are now at 1.6 per cent — it is still extremely difficult for low-income people and those without work to find accommodation in the private rental market.

The most recent waitlist report from March 2009 indicates that there were 833 people on the early housing waiting list in Preston and there has been an increase of 63 since December last year. The total number of people on the waitlist for Preston as of March this year was 3232.

In my electorate there are a number of activity centres that are ideal locations for affordable housing because they have access to shops, public transport, community facilities and opportunities for employment. It is vital that new public and social housing is located in such areas in order to maximise opportunities for those individuals and to give them access to a full and rich lifestyle.

The construction of new public and social housing as well as the upgrading of existing properties will have the added benefit of generating jobs, which are badly needed at the moment, and providing opportunities for the construction and building industry. I call on the Minister for Housing, who I know is deeply committed to public and social housing, to respond to the increasing number of people waiting for public housing in my area.

Responses

Mr WYNNE (Minister for Housing) — I thank the Member for Preston for bringing this important matter to my attention. The government acknowledges the increase in the number of people waiting for public housing. It is reflective of the downward pressure that is placed on the public housing waiting list as a result of the very tight private rental market in Victoria.

The latest figures show there is a vacancy rate of about 1.4 or 1.5 per cent, which in effect is one of the tightest private rental markets in many years. If you are a low-income person seeking to get private rental accommodation anywhere within 15 kilometres of where we are today, there are in effect no vacancies. It is a very tough situation, and it is immediately reflected in the public housing waiting list. It is important to indicate that the waiting list is down 0.5 per cent from when we came to government, but there are significant challenges still ahead of us.

As I indicated in question time today, the record announcement in 2007–08 by the Victorian government of $500 million — the biggest announcement ever by a state government of public and social housing investment to increase the range of housing options for

people who require our support and assistance — is rolling out, and the member is very aware of that.

That is complemented by the extraordinary commitment of the Rudd government of $1.5 billion to invest in public and social housing over the next two years under the Nation Building and Jobs plan. Thanks to the new funding, the government will deliver in excess of 5000 new homes, which, as the member for Preston indicated, will have dual outcomes.

Firstly, there is the employment outcome that arises from this very significant target investment. As members know, the best and quickest investment you can make is in the housing area, because not only is there the immediate impact on employment and construction but also there is the effect through the supply chain as well and the wonderful social outcomes that we will get over the next couple of years — in excess of 5000 public and social housing units. As I said in question time today, it is the biggest build by a state government since the Olympic Games, and that is a fantastic outcome.

As the member for Preston knows, we also have $99 million to spend on upgrading and maintaining our public and social housing stock, which is a very welcome injection of funds from the federal government. I am pleased to say that the federal government has approved the first stage of construction for 667 units of housing. Those units are required to be finished by June 2010. It is intended that 69 of those 667 units will be contracted for construction in the Preston area. These new homes will be located in activity centres and will be close to public transport, job opportunities and community facilities. It is a great investment which is very much in line with the government's broader Melbourne 2030 planning policy. In addition, as part of the maintenance component of the stimulus package over $1.75 million will be spent in the Darebin local government area to conduct urgent maintenance on public housing and community housing. That is a really magnificent amount of funding that is going into the member's part of the world.

In selecting properties for maintenance upgrades we will prioritise ministry of housing dwellings which, naturally enough, are located in areas where tenants can access jobs, public transport and community facilities. I know how strongly the member for Preston supports that broad policy framework. I am also pleased to report to the house that as a result of our record investment in the 2007–08 budget of $500 million a major development of 48 units is under construction at Mary Street, Preston. Indeed I had the pleasure of being with the member for Preston when we announced that development. How excited those residents were to hear that announcement, because by any measure those properties require redevelopment. The 48 units will be run by Housing Choices Australia, one of our fastest growing housing associations. I am pleased to report that, as the member knows, the development is over 60 per cent complete and is on track to meet its agreed time lines.

As I said during question time, it is a great time to be the Minister for Housing in this state. We not only have the $500 million from the Brumby government but also the $1.5 billion we will get from the Rudd commonwealth government. It is a wonderful partnership between the two levels of government. It is a great outcome for jobs, but it is also a wonderful social outcome for Victorians in housing need.

The member for Caulfield raised a matter for the Minister for Health seeking his support regarding subsidies for the Victorian Eyecare Service and provided documentation to the minister. I will make sure the minister is aware that matter was raised.

The member for Bundoora raised a matter for the Minister for Children and Early Childhood Development seeking support for early childhood intervention services in Melbourne's northern suburbs. I will make sure the member's request is brought to the attention of the relevant minister.

The Leader of The Nationals raised a matter for the attention of the Minister for Planning seeking that amendment C48 to the South Gippsland planning scheme not be implemented at this stage due to what he regards as some potential deleterious outcomes. I will make sure the minister is aware of that representation.

The member for Forest Hill raised a matter for the Minister for Police and Emergency Services seeking support for Victoria Police in relation to speeding drivers on roads in the Forest Hill electorate. I think she indicated there had been nine fatalities in her electorate, which is clearly a very tragic outcome.

The member for South-West Coast raised a matter for the Minister for Agriculture seeking advocacy for the introduction of a fox bounty program and the rescinding of the FoxStop scheme. I will make sure the minister is aware of that representation.

The member for Pascoe Vale raised a matter for the Minister for Consumer Affairs. The member referred to a number of letters to the minister since 9 December last year alleging breaches of the Estate Agents Act pertaining to the underquoting of property prices.

The member for Evelyn raised a matter for the attention of the Minister for Roads and Ports seeking the support of VicRoads for some safety amelioration measures in Wandin North at the intersection of Clegg Road and Wellington Road. I will make sure the minister is aware of that matter.

The member for Ivanhoe also raised a matter for the Minister for Roads and Ports, seeking his support for the introduction of a pedestrian crossing at the Lower Heidelberg Road cutting in the vicinity of Banksia Street. I will make sure the minister is aware of that representation.

The member for Sandringham raised a matter for the Minister for Education asking that she agree to a delegation being led by the member seeking her support for a capital works program at the Sandringham Primary School. I will make sure the minister is aware of that matter.

I wish you good travels, Speaker. I look forward to seeing you in three or four weeks.

The SPEAKER — Order! I take this opportunity to thank the parliamentary staff for their efforts this week. The house is now adjourned.

House adjourned 4.39 p.m. until Tuesday, 28 July.