PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 15 April 2010

(Extract from book 5)

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 Industry and Trade	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Energy and Resources, and Minister for the Arts	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Community Development	The Hon. L. D'Ambrosio, 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 Planning and Minister for the Respect Agenda	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 Public Transport 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 and Minister for Skills and Workforce Participation	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*): Mr Murphy and Mrs Petrovich.

Family and Community Development Committee — (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey. (*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*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Graley, 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*): Mr Nardella 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 Burgess, Mr Carli, Mr Jasper and Mr Languiller. (*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: Mr P. Lochert

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	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew [7]	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pandazopoulos, Mr John	Dandenong	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter [2]	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill [4]	Altona	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 [8]	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 [5]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice [6]	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

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 13 February 2010
[5] Elected 28 June 2008
[6] Resigned 18 January 2010
[7] Elected 15 September 2007
[8] Resigned 6 August 2007

CONTENTS

THURSDAY, 15 APRIL 2010

Thursday, 15 April 2010

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 20 to 22, 147, 148 and 223 to 232 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 by 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Rail: Mildura line

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

This petition of residents of Victoria draws to the attention of the house the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long-distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

By Mr CRISP (Mildura) (89 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Assembly's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from $800 million to $2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are installed; and

findings by Melbourne University that many families will have to pay around $300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Assembly require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government mistakes in the smart meter project.

By Mr WELLER (Rodney) (177 signatures).

Tabled.

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

DOCUMENT

Tabled by Clerk:

Ombudsman — Report of an investigation into Local Government Victoria's response to the Inspectors of Municipal Administration's report on the City of Ballarat — Ordered to be printed.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 4 May 2010.

Motion agreed to.

MEMBERS STATEMENTS

Small business: government performance

Ms ASHER (Brighton) — I wish to draw the attention of the house to the March Sensis Business Index, which shows that Victoria has the lowest level of small business confidence of any state in Australia. The Victorian government has an appalling record in its lack of assistance for small business. We have seen increased state taxes and charges, we have seen the indexation of fees and fines, and, according to the Victorian Competition and Efficiency Commission, we have seen an increase in red tape. We have seen the impact of the government's clearways policies, which are impacting adversely on small business, and in recent times we have seen increases in liquor licence

fees, which are also impacting adversely on small business.

In the face of all of this, what does the Minister for Small Business do? The answer is he has launched a little book called *Big Help for Small Business*. He launched it on 31 March, although it has not been available publicly until this week. He put out a press release, and I note he has received some coverage in today's press. While information for small business is desirable, and no-one would criticise that, what small business in this state needs is action in key policy areas to increase small business confidence from rock bottom, where it is now, so that small business can employ more people in Victoria.

New Hope Foundation

Ms D'AMBROSIO (Minister for Community Development) — I rise to draw attention to the wonderful work being done at the Oakleigh Courthouse Community Centre by the New Hope Foundation (NHF). I was at the centre last week with the member for Oakleigh to announce funding from the Culturally and Linguistically Diverse (CALD) Senior Surfers program. This is a program that provides grants and training support to community organisations with a significant non-English-speaking membership. Those grants allow these organisations to purchase computer equipment and software, to cover internet connection costs to allow internet training for their seniors and to train volunteers to provide introductory internet training to seniors from the organisation in their own language. About 100 patrons of the Oakleigh Courthouse Community Centre turned up to the announcement, and I was amazed at how enthusiastic they were about this program. The response from both seniors and volunteer trainers in signing up for the program was just terrific.

There are over 3200 seniors from CALD backgrounds living in the cities of Kingston, Monash and Glen Eira, and while many are reasonably established and have been living in Australia for many years they often lack English language skills and are at risk of social isolation. The New Hope Foundation is a not-for-profit community organisation that assists newly arrived refugees and migrants through a range of services and facilities. The majority of clients supported through the NHF's Oakleigh Courthouse Community Centre come from Burma, Sudan, Afghanistan and Egypt. Programs and activities provided through the centre include information sessions on health, family, housing and immigration; support to develop governance skills; a range of outings and recreational programs, and pottery classes. I would like to thank the New Hope Foundation for hosting me, and I congratulate them on the wonderful work they are doing at the Oakleigh Courthouse Community Centre.

National Indigenous Television: funding

Mrs POWELL (Shepparton) — Funding for National Indigenous Television will cease on 30 June unless funding is committed in the May federal budget. It means NITV will have only a few weeks notice of whether its four-year funding agreement will run out on 30 June. This uncertainty is causing huge anxiety in the network and in the community and is leading to problems for NITV in retaining staff and programs.

NITV employs around 50 Australians, about 70 per cent of whom are indigenous. It utilises the talents of indigenous writers, directors, journalists and producers to make its programs, which include music, health, sport, news, current affairs, culture and children's programs.

The most popular show is the *Marngrook Footy Show*, which is broadcast live nationally each week. The member for Nepean's son is a cameraman on the show, and he understands the importance of the network. I am also reliably informed that the Attorney-General has attended the show. The panellists on the *Marngrook Footy Show* are all indigenous and include Shepparton resident and former AFL player and St Kilda forward Gilbert McAdam.

I call on the Victorian Minister for Aboriginal Affairs to lobby the federal government urgently to secure the necessary funding to allow the continuation of this unique indigenous television network. Failure to fund NITV will mean many indigenous presenters and staff will become unemployed. Despite the state government's commitment to closing the gap, this will widen the gap of indigenous disadvantage.

Southern Health: MonashHeart

Ms BARKER (Oakleigh) — I congratulate Southern Health on recent outstanding medical achievements, particularly in the cardiac area known as MonashHeart. Recently surgeons at MonashHeart became the first in Australia to implant a paediatric pacemaker compatible with MRI (magnetic resonance imaging) scans.

The pacemaker system, known as the Medtronic EnRhythm MRI SureScan pacing system, was implanted in 13-year-old Marcus, who has Marfan syndrome and has just had an aortic repair. His condition also requires ongoing MRI scans. Southern Health paediatric cardiac surgeon Dr Andrew Cochrane said that commonly used MRI scanners can interrupt or

withhold pacing therapy, which may be hazardous and possibly life-threatening. This new technology includes modified hardware to minimise the level of energy transmitted through the lead-device connection point.

Another Australian first was performed by Dr Jeffrey Allison, MonashHeart's head of cardiac rhythm management, and is known as the WATCHMAN procedure. The procedure involves a small, parachute-like device being placed near the left appendage of the heart. Once there the device deploys and stops clots from leaving the heart and travelling to the brain. Until now the only treatment was the blood-thinning drug Warfarin, which does reduce the risk of stroke but because the blood is thinned there is a cumulative bleeding risk.

These are just two examples of Australian firsts for Southern Health's MonashHeart, and I thank the people associated with MonashHeart for their continued commitment to finding new and better ways to provide the high-quality care they offer our community on a daily basis.

Roads: French Island

Mr BURGESS (Hastings) — The state of the French Island road network has deteriorated to such a degree that it poses a significant safety concern for local residents. The continuing deterioration of the roads causes disruption to movement, inconvenience to residents and damage to vehicles. The heavy corrugation of many of the island's gravel roads is making transportation increasingly difficult and means that four-wheel drives are often the only practical means of transport.

I have been informed by long-term residents of the island that the current state of the roads is the worst they have seen in 20 years. When I inspected the roads with French Island resident and local road expert Tom Neesham recently we witnessed locals opting to drive on the sides of the roads because the roads themselves were in such bad condition. The frustration at the condition of the roads has reached a point where local residents are suggesting that if the equipment was provided, they would carry out the grading themselves. It is unacceptable that a community that does so much for itself should have to beg and wait for the provision of the most basic infrastructure — roads that are safe and usable.

There are also safety concerns regarding the condition of the Coast Road bridge. Twelve months ago a Department of Sustainability and Environment (DSE) maintenance report on the bridge indicated that it was unsafe to carry heavy traffic. This situation has created a great deal of difficulty for residents on the island. Coast Road is the main road on the island and is only accessible via the Coast Road bridge. Additionally, water and fuel can only be delivered on trucks that are considered heavy traffic. Residents are still waiting for DSE to undertake maintenance work that will render the bridge safe again and allow the unhindered distribution of fuel and water to residents.

I invite the Minister for Roads and Ports to visit French Island with me in the near future, inspect the roads and bridge and then meet with the French Island Community Association with a view to arranging a more frequent or longer lasting road maintenance regime and bridge repair.

Rotary Club of Drysdale

Ms NEVILLE (Minister for Mental Health) — The Rotary Club of Drysdale held its highly successful annual Easter Art Show again this year. It has been a popular event on the Bellarine calendar for many years, and this year's show was no exception. Approximately 900 people attended, with local residents being joined by visitors from across Victoria. The result was the sale of more than 60 paintings, raising over $20 000. This is a great achievement, and a large part of the money will be donated to the Andrew Love Cancer Centre in Geelong and other Drysdale community projects. Congratulations to Mercedes Drummond, the chairperson of the art show, and her enthusiastic team on a great effort and a wonderful show.

As well as the art show, the club runs the Portarlington Miniature Railway at Point Richards, which it started in 1995. The railway has continued to run successfully with the support of a band of willing volunteers, including the Geelong Society of Model and Experimental Engineers. The volunteers maintain and run the train for children and families during Easter and throughout the year, with special runs on New Year's Eve and the Labour Day long weekend in March. The original idea for the train came from president-elect Keith Stasinowsky and past president John Brumley. John, now 84 years old, Noel Schofield and Bill Blackly have made a great contribution to the ongoing development of the railway.

I congratulate the president of the Rotary club, Stuart Baker, the committee and members for their dedication and for giving their time and expertise to serve the local community. They do a great job in the Drysdale and Portarlington community.

Hec Waller

Dr SYKES (Benalla) — On 14 March several hundred people gathered in Benalla to witness the unveiling of a monument to Captain Hec Waller. Hec Waller was born and grew up in Benalla. He joined the navy and saw service in Europe in World War I. In World War II he become captain of the HMAS *Stuart* and commander of the 10th destroyer flotilla, referred to derisively by the Germans as a 'scrap iron flotilla'.

Hec Waller was awarded the DSO (Distinguished Service Order) twice for his courage and leadership in many armed engagements in the Mediterranean, including ferrying supplies into Tobruk under constant air attack. In 1942 as captain of the HMAS *Perth* he engaged in a battle against the Japanese in the Java Sea. The odds were overwhelming and the *Perth* and the USS *Houston* went down. Hec was last seen on the bridge of the *Perth* as it went down.

The monument honours Hec Waller and all men and women who lost their lives at sea during operational duties. The monument emphasises Hec's qualities: he was strong, reliable and unpretentious. The Beechworth granite for the monument was supplied by the Indigo Shire Council, the stonework was done by A. C. and R. J. Lau Pty Ltd, and the sculpture was done by Louis Laumen.

Congratulations to Richard Hawkins, OAM, for making all this a reality and enabling Benalla to honour the man considered by many to be the greatest sea-captain of his generation. Thanks also to the many other people and organisations, including the Benalla Rural City Council, Thales, the Royal Australian Navy and the many donors, including the state and federal governments, for making all this possible.

Preston South Primary School: rebuilding

Ms RICHARDSON (Northcote) — I rise today to congratulate and thank all the people whose efforts have borne fruit for the Preston South Primary School community. In July last year a fire at the school destroyed classrooms, the administration wing, all its musical equipment and essential teaching material. I visited the school on the day of the fire and, like others, found the destruction heartbreaking.

The community, led by principal Therese West, rallied to continue classes and restore facilities. Families formed the Friends of Preston South Primary School, with Gerard Stafford as its enthusiastic convenor. I met with them regularly and arranged for a delegation to meet with the Minister for Education. I am pleased to say that after her intervention $1 million was allocated for the rebuild, and works are set to commence in the coming weeks as part of the Building the Education Revolution development. In the last two weeks, after listening to the school community, architects have adapted their designs and addressed our concerns.

This has been a strong community-based campaign, and several people deserve credit for their efforts. Therese, despite a family tragedy, has been tireless in her efforts. Gerard Stafford, a retired school principal with grandchildren at the school, dedicated himself to the campaign. Other active friends group members are Natalie Alchin; Judith Bannon; Kate Conway; Lisa Coote; Pip Harding; Andy and Sue McDonald; Malcolm McIver; Anthony, Paul, Stephen and Suzie Stafford; and Cheryl Trott.

I also thank Steve Lupton, the assistant general manager of the infrastructure division of the department, and the minister, whose direct involvement was crucial in overcoming the obstacles facing us.

This is a wonderful example of how a community can band together to achieve its goals despite a heartbreaking setback. Children are remarkably resilient, but the children of Preston South Primary School have shown that, like their principal, teachers, parents and grandparents, they can meet life's challenges with absolute confidence.

Gippsland Lakes: entrance

Mr INGRAM (Gippsland East) — I would like to raise the disappointing commentary around the sand management at Lakes Entrance, which has gained significant publicity in local and state media. These comments are based on simplistic, narrow-minded and vested personal views, and not on scientific evidence or fact. These comments and the publicity surrounding the project have the significant potential to undermine the funding request from Gippsland Ports to replace the *April Hamer* with a suction hopper dredge.

This project is a very important one for the Gippsland community, the commercial fishing fleet, the recreational boating around the Gippsland Lakes and also to reduce the flood risk around the Gippsland Lakes area. This is a very important project for our region, and there is strong local support for it.

An evidentiary process has been undertaken, and the regulatory approval process to improve the dredging outcomes of the Gippsland Lakes has been significant. Recently we have heard a number of commentators making claims about the impact on the introduced crab

species of the increased salinity and other factors in relation to the health of the Gippsland Lakes. I draw to the attention of the house the fact that Professor Barry Hart of the Gippsland Lakes and catchment task force has indicated that water quality is high and that this process will not impact on that quality.

Ray Beckley

Mr TREZISE (Geelong) — I take this opportunity to mark the life of Mr Ray Beckley, a successful businessperson, harness racing identity and Geelong community stalwart, who died recently at the age of 85. Ray Beckley was born in 1924 in Geelong West and was educated at North Shore Primary School. He worked first for his father, selling fruit and vegetables door to door. Later in life, again with his father, Ray got into the trucking business, and by the early 1960s the Beckley business transported grain on more than 20 trucks, working essentially between Melbourne and Sydney.

From a community perspective Ray Beckley was a local stalwart, as I said. He was a councillor on the former Shire of Corio for almost 20 years and served local ratepayers effectively with achievements such as being instrumental in the establishment of the Norlane pool. As with most people who are dedicated to the community, Ray's work was not confined to Corio shire. He was heavily involved with Rotary in Geelong and was made a life member for his work over many decades. He was also active in numerous other organisations.

However, it would be fair to say that Ray will be most remembered for his commitment to harness racing in Geelong. As president of the Geelong Trotting Club in the early 1980s, Ray had the vision, the drive and the skills to take harness racing from an outdated, dilapidated course at Eastern Park to Corio, where Geelong harness racing continues to flourish today. In his honour, the new track was named Beckley Park, and rightly so given his contribution to the sport not only in Geelong but across Victoria. Vale Ray Beckley.

Community services: Doncaster electorate

Ms WOOLDRIDGE (Doncaster) — Last year the state government's Department of Human Services (DHS) invested $270 million in the eastern region of Melbourne. The funding went to community-based health services, housing, disability services and child protection but excluded acute health services. Important non-government organisations such as Anglicare, Scope and Connections, regional health and community services such as EACH, Eastern Domestic Violence Service and Eastern Health, and local councils are all funded. However, in analysing the numbers it is clear that funding in Manningham lags significantly behind other municipalities.

Documents released to me under freedom of information show that of the funding given to the eastern region by DHS in the last financial year only 1.4 per cent found its way to services based in Manningham; that is $3.7 million in funding for Manningham organisations, families and individuals. This starkly compares to $66 million for Monash and a whopping $109 million for neighbouring Whitehorse. Community services staff tell me that funding from state government sources is often not directed to the area simply because the need is not seen to be great. However, Doncaster residents face the same challenges and issues that affect many others across Victoria.

Many services are provided on a regional basis and located in neighbouring suburbs, but that means Manningham residents have to travel away from the area to obtain assistance. This is complicated by our limited public transport services. Manningham residents miss out on many needed local services — for example, we have no men's change behavioural program and Doncare had to struggle to obtain private funding for Chinese-specific playgroups. I call on the state government to address this unfair bias and ensure a fair go for Manningham residents.

Housing: Reservoir development

Mr SCOTT (Preston) — I recently attended the sod turning for the redevelopment of public housing on a site at the corner of McMahon and Cheddar roads, a fantastic project that will lead to over 50 units and homes being provided to low-income residents of my electorate. The previous housing on the site was built in the 1950s and was badly in need of replacement. I pay tribute to the current Minister for Housing for the foresight he has shown in backing the redevelopment of the site, which will provide better housing for residents. The minister has presided over a vast expansion in the funds spent both on redevelopment of social and public housing and the development of new social and public housing. The Cheddar McMahon estate will be a flagship in my area.

Mendo Kundevski

Mr SCOTT — I would also like to pay tribute to a former Darebin councillor, Mendo Kundevski, for his support for social housing during the last term of the Darebin City Council, when a development was being undertaken on Bruce and Bell streets. It was a

particularly difficult development, but the outcome has been fantastic for the community. The development that has been completed is of a quality that matches the private developments in the area and provides excellent housing for the local community. Mendo Kundevski took a principled decision to support social housing for the most disadvantaged residents in our community at some personal political cost. However, I believe, as I know he does, that this was what the community needed. He should be proud of his work.

Roads: city of Maroondah

Mr HODGETT (Kilsyth) — Since the opening of EastLink there have been numerous complaints from residents concerned about the increased noise caused by increased traffic volumes using the connecting arterial roads onto EastLink. The Maroondah City Council has also received complaints, including signed petitions from local residents. I have met with a number of residents about this matter and about increased traffic congestion and increased noise levels, particularly caused by heavy trucks at night. This very matter was raised at a recent meeting with the councillors and senior management team at the Maroondah City Council.

In summary, the issue is that Mount Dandenong Road, Maroondah Highway and Canterbury Road have all experienced massive increases in volumes of traffic as well as large increases in the volume of heavy vehicles accessing EastLink via the arterial roads. VicRoads advises that traffic volumes have increased in excess of 25 per cent on the arterial roads. Such volumes of traffic, particularly heavy vehicle movements, have increased noise levels, which are causing residents living along these roads considerable nuisance. Traffic flows and congestion at signalled intersections have also had a detrimental effect, with long delays experienced during peak times. VicRoads, which is the responsible authority for arterial roads, has advised that it is monitoring the situation.

Representations have been made to VicRoads on these matters. VicRoads has been requested to review the volumes and traffic classifications of vehicles using these arterial roads as well as improving the coordination of traffic signals. VicRoads has also been requested to review the noise levels along Mount Dandenong Road, together with reviewing the speed limits. I strongly support the advocacy efforts of the Maroondah City Council in these matters, and I call on VicRoads for the immediate review of traffic volumes, measurement of noise from and improvements to traffic flow along Canterbury Road, Mount Dandenong Road and Maroondah Highway.

Police: Croydon

Mr HODGETT — The last fortnight's police roster for Croydon has five morning shifts with not enough police to staff the van. Sideshow Bob must urgently look into this shameful situation.

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

Braybrook College and Sunshine Secondary College: China visit

Ms THOMSON (Footscray) — I would like to congratulate the Minister for Education and her department for an initiative which has arisen out of the blueprint for education, which gives students who would never normally have it the opportunity to travel overseas and experience life in another country for a period of time. I was fortunate to be able to join with the minister to farewell 30 students from Braybrook College and Sunshine Secondary College who will be travelling to China with six teachers, including the principal of Sunshine Secondary College. They will be heading to Beijing and Shanghai to undergo a cultural experience, and in Suzhou and Nanjing, within Jiangsu Province, they will participate in schooling and experience life within a school as Chinese students do.

It is a fantastic experience for them. They are all very excited. Some were a little scared; it was the first time on a plane for most of them, and none of them had travelled overseas before nor faced the prospect of doing so. The students have done their research on Chinese culture and on what to expect in China, as well as some research on the food and eating habits of the Chinese and also the cultural sites they will see while they are travelling. I am looking forward to catching up with them on their return and hearing their wonderful stories, and I congratulate the minister for this initiative.

Echuca Regional Health: funding

Mr WELLER (Rodney) — I wish to express my bitter disappointment at the Brumby government's decision not to commit funding in the upcoming state budget for the redevelopment of Echuca hospital. The desperately inadequate condition of the facilities and ageing infrastructure at Echuca Regional Health is widely acknowledged, and has been for years, yet the Victorian Labor government is refusing to recognise the seriousness of the situation. Echuca Regional Health was seeking stage 1 funding of $30 million in the state budget to enable this critically important redevelopment to get under way. However, the Victorian Minister for Health recently dashed those hopes when he told the

Echuca Regional Health board that stage 1 of the redevelopment would probably not be funded this year.

Despite the enormous weight of evidence regarding building deficiencies, unacceptable patient treatment facilities, bed shortages, inadequate emergency department cubicles, lack of isolation facilities and difficult working conditions at the hospital, the minister has effectively told the Echuca-Moama community that its hospital is not a priority for the Brumby government this year. In a poor and feeble attempt to cover up this disregard for the situation at Echuca Regional Health, the minister has given the hospital $350 000 to 'further develop designs and plans for the redevelopment'. These designs and plans could easily have been completed well before now to enable the project to be included in the 2010 budget. This is merely a stalling tactic by Labor. Echuca Regional Health may not be a priority for the Brumby government, but it is a top priority for me and the many thousands of people in northern Victoria.

Frankston Hospital: redevelopment

Dr HARKNESS (Frankston) — The Brumby Labor government has delivered, once again, for the residents of Frankston, cementing Frankston as one of the best places in Melbourne to live, work and raise a family. The Minister for Health recently visited Frankston to announce a $906 000 equipment boost for Frankston Hospital, to see firsthand the $1.97 million upgrade to the emergency department, and also to inspect the start of work on the $8 million expansion of maternity services at the hospital. Two replacement ultrasounds and a mobile image intensifier for Frankston Hospital's radiology department will be purchased. The emergency department upgrade provides five additional beds in a dedicated fast-track area, and many more babies will be delivered in the expanded maternity wing when it is completed. Last year Peninsula Health won the Metropolitan Health Service of the Year Award for its outstanding and very much appreciated efforts in providing the best possible healthcare to our local community.

Police: Frankston

Dr HARKNESS — On top of the outstanding health services provided by Peninsula Health, we have very hardworking and committed local police. With a 95 per cent increase in police numbers at Frankston between 1999 and 2009, Frankston police are having a positive impact on local community safety, with crime plummeting. People are moving to Frankston for very good reason: Frankston is a great place to live. Since 2004 over 5900 new jobs have been created in Frankston, and the unemployment rate has reduced as well. Over a nine-month period in 2009 the median house price in Frankston rose from $290 000 to $339 000 — an increase of 16 per cent. Frankston is certainly a great place to live, work and raise a family. Crime is down, employment is up and property prices are rising. There has never been a better time to live in Frankston.

Planning: Abbotsford development

Mr McINTOSH (Kew) — In recent weeks there has been significant community controversy regarding the Hamton development at the Honeywell site in Abbotsford. I first raised this matter in Parliament with the Minister for Planning during the adjournment debate on 4 February, when I expressed my opposition to the redevelopment. I have had the benefit of meeting with or speaking to many of my constituents, representatives of Hamton and members of Boroondara council about this redevelopment.

However, it has recently come to my attention that my position on the Hamton redevelopment on the former Honeywell site in Abbotsford may have been misrepresented to the effect that I support this development. Following a meeting of Yarra City Council regarding the Hamton redevelopment, I was contacted by several people who reported to me, in effect, that 'Andrew McIntosh supports the proposed redevelopment at Abbotsford'. I have no direct knowledge of who said that or what may have actually been said. However, I make my position perfectly clear for the benefit of the house: I do not and cannot support the current proposal for the redevelopment of the Honeywell site by Hamton. I acknowledge that Hamton has made significant improvements to its original proposal, but many of my constituents are opposed to the redevelopment, and I will continue to be a strong advocate for them.

National curriculum: Greek language

Mr PANDAZOPOULOS (Dandenong) — I rise today to commend the announcement by Premier John Brumby of his exceptional support for the Greek language being one of the eight languages to be considered as part of the development of the national curriculum the federal government is undertaking at the moment. I also commend the opposition leader for his subsequent support of this approach.

Of course it is not surprising that political leadership and a strong campaign from the Greek community should be coming from Victoria. Melbourne is often described as the third-biggest Greek city in the world

after Athens and Thessaloniki. Close to half of the Australian Greek population lives here in Victoria. I commend the Premier for his approach and his willingness to communicate with and lobby other state and territory leaders as well as the federal government on this very important issue. I also want to commend the federal government for having this process of national curriculum development. The federal government understands that if we are truly to build our skill capacity as a country, we need to improve our language performance and not rely totally on our ethnic communities.

In thanking the Premier I remind the house that Greek is the fifth most commonly spoken language in Australia, the seventh most commonly spoken language in schools, the most commonly taught language in after-hours ethnic schools and in the top three of the languages offered by the Victorian School of Languages, so there is a lot of logic to Greek being one of the eight languages being considered in the development of the national curriculum.

Anzac Day: city of Monash schools

Ms MARSHALL (Forest Hill) — Anzac Day ceremonies this year will mark the 95th anniversary of the landings at Gallipoli. I will be attending a number of commemorative ceremonies, including the Whitehorse schools Anzac ceremony, which is being conducted on 22 April. This has become an annual event designed to foster and promote the spirit of Anzac. I am also looking forward to the third annual schools Anzac service for the youth of the city of Monash organised by the Rotary Club of Monash on 20 April. In 2009 over 700 students from 30 different schools attended the event. These events play an important role not only in honouring those who have perished in conflicts around the globe but also in ensuring that the spirit of Anzac lives on in today's youth. The increasing participation in such a huge variety of events across Victoria is testament to the respect we hold for our diggers past and present.

Anzac Day: Parkmore Primary School

Ms MARSHALL — I called in to Parkmore Primary School this week for a catch-up with the staff and principal Glenda Prior and was stunned by the extraordinarily beautiful artwork the students had made that was lining the hallway. Silhouetted dark images of soldiers in battle against the colourful backdrop of a sunset gave a haunting sense of foreboding and the drama unfolding. In one of the other rooms an alarmingly realistic mock trench had been created, with the students continuing their lessons under the camouflage netting. It was clear from the sounds of laughter and the fascination on their faces that it was an exciting learning environment. The fantastic work being done at schools such as Parkmore is providing our students with learning experiences that cannot be obtained from reading alone and develops their understanding of our history with far greater depth.

I look forward to Anzac Day each year and the opportunity to participate in ceremonies where I can reflect on the sacrifices made by so many, appreciate our freedom and witness our young people — —

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

Ergun Ismail

Mr LANGUILLER (Derrimut) — It is with regret that I inform the house of the death of Ergun Ismail, an Australian of Turkish background and an outstanding man in our region. I represented the Premier at his funeral at the Sunshine mosque in my electorate, and I wish to place on record the Premier's message. It reads as follows:

> It is with deep regret that I learned of the death of Ergun Ismail.
>
> Throughout a long and distinguished career Ergun Ismail worked tirelessly and selflessly for Melbourne's Turkish Cypriot community and was instrumental in establishing many services and facilities at the Sunshine mosque.
>
> As the president of the Cyprus Turkish Islamic community he played a pivotal role in the lives of many. In particular he encouraged young people to become involved in the mosque's activities and helped to ensure that the Sunshine mosque remains the life and soul of your community.
>
> His grace, dedication and ability to inspire will be sadly missed by Victoria's Turkish Cypriot community.
>
> On behalf of all Victorians, I offer my heartfelt condolences to Ergun Ismail's family, friends and community.

The letter is signed by the Honourable John Brumby, Premier of Victoria.

Westall Secondary College: Harmony Day

Mr LIM (Clayton) — I rise to congratulate the Westall Secondary College on the success of its recent Harmony Day celebration. On 15 March I attended the harmony tree planting ceremony at the college. This was a followed by speeches and performances in front of the whole school assembly, which is made up of students from different ethnic backgrounds.

The theme was recognition of cultural diversity and the celebration of all races and cultures in this country. The

students gave their own impressions of Harmony Day, with creative self-made videos, speeches in their mother tongue and singing and dancing in ethnic costumes. The sports hall was filled with laughter, applause and a good spirit.

The school principal, Mr David Tyson, and fellow teachers ought to be commended for their selfless devotion — —

The ACTING SPEAKER (**Dr Sykes**) — Order! The time for statements by members has expired.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS 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 Miscellaneous Amendments Bill 2010.

In my opinion, the Courts Legislation Miscellaneous Amendments Bill 2010, 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 makes miscellaneous amendments to legislation in relation to the courts and judicial officers.

The bill will preserve the entitlement to a pension at age 60 and after 10 years' service for associate judges (formerly masters) of the Supreme and County courts who are appointed as judges of the County Court. This is consistent with amendments made to the Constitution Act 1975 by the Courts Legislation (Juries and Other Matters) Act 2008 to ensure that eligibility to a pension at age 60 would be preserved if a judge was appointed to the Supreme Court from the County Court, and also with provisions ensuring that the pension age is preserved for judges appointed from interstate or federal courts.

The bill amends section 94(5) of the Coroners Act 2008 to provide that an acting coroner be paid the same salary and allowances as a magistrate. This amendment will maintain the status quo in relation to salary and allowances for fixed-term coroners under the old Coroners Act 1985 and salary and allowances for acting coroners under the new Coroners Act 2008. This amendment addresses an unintended outcome of section 94(5).

The bill creates the new office of judicial registrar in the Supreme, County, Children's and Coroners Courts. The office of judicial registrar was created in the Magistrates Court in 2005 by the Magistrates' Court (Judicial Registrars and Court Rules) Act 2005 and is operating successfully. That act inserted a new part 2A into the Magistrates' Court Act 1989. That part has provided a model for the creation of the legislative framework for the office of judicial registrar in the other courts, but with some modifications to suit the particular circumstances of each court.

The creation of the office of judicial registrar in each court provides an opportunity for the courts to operate more efficiently, as judicial registrars will be able to undertake minor judicial duties that would otherwise fall to judicial officers. This will enable the judiciary to focus on matters of greater complexity or importance, which warrant the involvement of a judicial officer. Thus, the capacity to appoint judicial registrars provides greater flexibility in making appointments to manage demand in the court system.

The benefits of more flexible resourcing, as have been demonstrated in the Magistrates Court, also support the creation of the office of judicial registrar in the Supreme, County, Children's and Coroners courts. The court system overall will benefit both from enhanced efficiency and improved consistency.

Each of the three amendments are consistent with justice statement 2 initiatives aimed at modernising the court system, and with the government's commitment to judicial independence and to the delivery of a fair, efficient and accessible justice system.

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

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

Section 24(1) of the charter is based on article 14(1) of the International Covenant on Civil and Political Rights. Article 14 guarantees the right to a fair and public hearing in the 'determination … of rights and obligations'. By contrast, section 24 simply refers to the right to a fair and public hearing of 'a civil proceeding' or a 'charge'.

The bill, in making provision for the determination of civil and criminal proceedings in various Victorian courts, engages section 24(1) of the charter.

The bill creates a scheme where the powers and jurisdiction of each court may be delegated to judicial registrars, who may constitute the relevant court for the limited purpose of exercising functions expressly conferred on them under the rules of court, or, in the case of the Supreme Court, by the Supreme Court Act 1986 and the rules of court.

Judicial registrars will be appointed for a period of up to five years by the Governor in Council upon the recommendation of the Attorney-General. This recommendation will be made after the relevant head of jurisdiction (i.e. chief justice, chief judge, president of the Children's Court or the state coroner) makes a recommendation to the Attorney-General. In accordance with the regime used in part 2A of the Magistrates' Court Act 1989, the ability to suspend or remove a judicial registrar is tightly circumscribed.

The provisions for the review of a decision of a judicial registrar have been modelled on the requirements identified in *Harris v. Caladine* (1991) 172 CLR 84, where the High Court considered the extent to which the Family Court of Australia could delegate judicial functions to persons other than judges. The bill provides, subject in the Supreme Court to its rules, for review de novo by a judicial officer of the same court.

In this way, the right to a fair hearing is ensured because the exercise of jurisdiction by a judicial registrar is subject to review or oversight of the judicial officers of the court.

The bill also provides that judicial registrars will have the same protection and immunity in the performance of their duties as judges of the Supreme Court have in the performance of their duties as a judge. This immunity is consistent with the common-law immunity expressed in *Wentworth v. Wentworth* (2000) 52 NSWLR 602 and *Najjar v. Haines* (1991) 25 NSWLR 224. The common law developed this immunity in order to protect the administration of justice and the independence and fairness of the decisions of the court officer.

The bill, in reflecting the common-law immunity, does no more than provide those protections necessary to enable independent decision making by a court officer and, accordingly, does not limit the right to a fair hearing under section 24 of the charter.

Conclusion

I consider that this bill is compatible with the charter because this 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.

The Courts Legislation Miscellaneous Amendments Bill 2010 contains three sets of amendments in relation to the courts and judicial officers.

Associate judges' pension entitlements

The first amendment amends the County Court Act 1958 to rectify an anomaly in relation to the pension entitlements of an associate judge (formerly master) of the Supreme or County Court who is subsequently appointed a judge of the County Court of Victoria.

This amendment preserves the entitlement of an associate judge who was originally appointed to judicial office before the commencement of the Judicial Remuneration Tribunal Act 1995 (and who is therefore entitled to a pension at age 60, subject to accruing 10 years service), who is subsequently appointed as a judge of the County Court after the commencement of section 18 of the Judicial Remuneration Tribunal Act 1995 on 18 May 1995.

This amendment is consistent with amendments made in 2008 by the Courts Legislation (Juries and Other Matters) Act 2008, which preserved the pension entitlements of County Court judges who are subsequently appointed a judge of the Supreme Court.

Amendments to the Coroners Act 2008

The second amendment is to ensure that, from 1 November 2009, acting coroners are paid the same salary and allowances as a magistrate, in order to maintain the status quo in relation to salary and allowances for fixed term coroners.

This amendment addresses unintended outcomes of the Coroners Act 2008, namely that coroners appointed under the old act on a short-term basis and reappointed under the new act and acting coroners appointed under the new act will have their allowances diminished with the commencement of their new appointment.

The operation of this amendment will be retrospective and will apply to any appointments of acting coroners that occur on or after 1 November 2009.

Office of judicial registrar

The third amendment amends the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Families Act 2005 and the Coroners Act 2008 to create the office of judicial registrar in the Supreme, County, Children's and Coroners courts.

This amendment is consistent with the office of judicial registrar created in the Magistrates Court in 2005 by the Magistrates' Court (Judicial Registrar and Court Rules) Act 2005. That office is operating successfully and has been well integrated and accepted into the operations of the Magistrates Court and is accepted by the legal profession.

The creation of the office of judicial registrar in all of the courts provides an opportunity for the courts to operate more efficiently, as judicial registrars will be able to undertake minor judicial duties that would otherwise fall to judicial officers. Thus, the capacity to appoint judicial registrars provides greater flexibility in making appointments to manage demand in the court system.

Judicial registrars will not be judicial officers, but may be assigned some judicial functions by the heads of jurisdiction and under court rules. For example, the bill provides that the chief justice may assign a judicial

registrar to be the registrar of the Court of Appeal and registrar of criminal appeals.

It is also proposed that judicial registrars will be appointed for a period of up to five years by the Governor in Council upon the recommendation of the Attorney-General. This recommendation will be made after the relevant head of jurisdiction — that is, the chief justice, chief judge, president of the Children's Court or the state coroner — makes a recommendation to the Attorney-General. Decisions of judicial registrars will be subject to review or appeal by a judicial officer of the courts by way of a rehearing de novo.

In summary, judicial registrars will be used in the Victorian courts to assist the judiciary in managing its workload in an efficient and cost-effective way, without compromising either the independence or the quality of judicial decision making.

Each of the three sets of amendments is consistent with justice statement 2 initiatives aimed at modernising the court system, and with the government's commitment to judicial independence and to the delivery of a fair, efficient and accessible justice system.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 April.

PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL

Statement of compatibility

Mr WYNNE (Minister for Local Government) 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 ('charter'), I make this statement of compatibility with respect to the Prahran Mechanics' Institute Amendment Bill 2010 ('the bill').

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

Overview of bill

The purpose of the bill is to amend the Prahran Mechanics' Institute Act 1899 ('the act') to provide the Prahran Mechanics' Institution and Circulating Library incorporated ('the institution') the power to sell in whole or in part certain lands currently vested in it under the act or any building upon the lands; to sell land it owns situated at 140 High Street, Prahran; to make up to three acquisitions of land, each of which may include unlimited adjoining parcels of land; and to use funds from that sale of land, with the express requirement that these powers must be exercised for the purpose of achieving its objectives. The bill will clarify the institution's objectives, importing into the act the objectives currently specified in an order in council made under section 5 of the act.

The bill follows an agreement entered into between the institution and Swinburne University of Technology ('Swinburne') for the sale of land situated at 140 High Street, Prahran. The bill will, in the immediate term, allow the institution to sell the High Street property it currently owns to Swinburne in accordance with the terms of the sale agreement. In the longer term it will enable the institution to sell lands vested in it or purchase certain lands as necessary for the achievement of its objectives.

Human rights issues

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

Property right

New section 11A, to be inserted by clause 5 of the bill, will enable the institution to make up to three acquisitions of land, each of which may include unlimited adjoining parcels of land. The provision engages, but does not limit, the right to property in section 20 of the charter. The institution will not possess the power to compulsorily acquire land. Any acquisition will be pursuant to a commercial agreement with the owner of the land and at market value. Proposed new section 11A is therefore compatible with the charter and does not limit the right to property.

Conclusion

For the reasons outlined above I consider that the bill is compatible with the charter because it does not limit any rights under the charter.

Richard Wynne, MP
Minister for Local Government

Second reading

Mr WYNNE (Minister for Local Government) — I move:

That this bill be now read a second time.

This bill will amend the Prahran Mechanics' Institute Act 1899 to provide the Prahran Mechanics' Institution and Circulating Library incorporated with a clear power to purchase and sell certain real property. In the immediate term, this will enable the Prahran Mechanics' Institution the ability to sell the premises it owns at 140 High Street, Prahran to Swinburne University of Technology, which occupies the premises for technical educational purposes under an existing lease arrangement.

The bill achieves this by providing the Prahran Mechanics' Institution with both a specific power to sell lands that are currently vested in it, and a specific power to sell the property at 140 High Street, Prahran.

The latter amendment is required in order to implement an agreement reached between the Prahran Mechanics' Institution and Swinburne University for the sale of the High Street property. This has been the subject of considerable discussion following lengthy negotiations over the terms of the lease in relation to the said land.

It is also proposed to provide the institution with a specific power to sell lands which are currently vested in it under the act. The reason for this is that the Prahran Mechanics' Institution has other property vested in it which it may in the future wish to sell.

The bill further provides the institution with a power to make up to three acquisitions each of which include adjoining parcels of land, which will enable it to establish a new lending library, and separate office and storage space if required.

To ensure the granting of these powers is consistent with the original intention of the Prahran Mechanics' Institute Act 1899, the bill provides that the Prahran Mechanics' Institution exercise such powers only in a manner that achieves the objectives of the institution. This not only ensures the bill is consistent with the original intention of the act and is legally viable, but also offers protection to the Prahran Mechanics' Institution by ensuring that the proceeds from the sale cannot be diverted away from the core business activities of the institution.

Accordingly, the bill provides that the powers provided, and the use of the proceeds from any sale of land, can only be exercised by the Prahran Mechanics' Institution for the purpose of achieving its objectives.

These objectives are now clearly stated in the bill, which replicates the original objectives set out in an order in council which was gazetted in 2007. These include providing a circulating and reference library, organising and conducting educational activities, and encouraging research for the benefit of its members and general public.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until Thursday, 29 April.

BUILDING AMENDMENT BILL

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Building Amendment Bill 2010.

In my opinion, the Building Amendment Bill 2010 (the bill), as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will —

1. increase the maximum penalties for certain building and plumbing offences in the Building Act 1993 (Building Act) in order to:

   (a) improve the effective operation of the building sector by increasing compliance with building and occupancy permit requirements and notification of relevant parties such as owners, building surveyors and councils of building works;

   (b) raise building standards and improve the reputation of, and consumer confidence in, the building and plumbing industries by deterring non-compliance by a minority of people that engage in unprofessional behaviour or misconduct;

2. identify the Victorian Managed Insurance Authority (VMIA) as a designated insurer within the terms of section 137AA(2) to support the introduction of a government-underwritten domestic building insurance scheme, funded by builder premiums and operated by the VMIA;

3. make minor technical amendments to the Building Act to enable registration or licensing in a class or classes of specialised plumbing work to be prescribed by regulation as a prerequisite to the registration and licensing in other specialised classes of plumbing; and

4. make a statute law revision to the House Contracts Guarantee (HIH) Act 2001.

Human rights issues

Increased penalties for certain building and plumbing offences under the act

In my view, the increased penalties in the bill only raise human rights issues to the extent that they amend a provision in the act which itself limits a charter right and where an increase in penalty has the effect of extending the rights limitation. I note that this is consistent with the view expressed by the Scrutiny of Acts and Regulations Committee regarding penalty increases (e.g. *Alert Digest* No. 12 page 30), as well as consistent with the absence of a distinct right in the charter guaranteeing the proportionality of

penalties. I consider that only one clause of the bill, clause 24, raises a human rights issue.

Clause 24 and the right to be presumed innocent under section 25(1) of the charter

Section 25(1) provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. This right requires that the burden of establishing guilt is borne by the prosecuting authority. Accordingly, placing an onus on a defendant to rebut the existence of an element of a criminal offence may engage the right. Section 118(1) makes it an offence to fail to comply with an emergency order, and section 118(2) makes it an offence to occupy a building, land or place in contravention of an emergency order. Emergency orders are made by a municipal building surveyor when he or she considers this necessary because of a danger to life or property arising out of the condition or use or proposed use of a building, land or a place of public entertainment. It must be served on the owner and occupier of the building, land or place concerned without delay. However, section 118(3) of the act provides that it is a sufficient defence to a prosecution under section 118 in relation to occupation or use of a building for public entertainment if the defendant satisfies the court that he or she was unaware and ought not reasonably to have been aware of the fact that the public entertainment was the subject of an emergency order. In accordance with section 72 of the Criminal Procedure Act 2009, this defence imposes an evidential onus on the defendant. This means that the defendant must present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the defence. The prosecution must then rebut the defence beyond reasonable doubt in order to secure a conviction.

By imposing an evidential burden on the defendant to satisfy the court of this element of the offence, section 118(3) may be considered to limit the right to be presumed innocent. And, by significantly increasing the penalty for these offences, clause 24 of the bill potentially further limits the right. This is because the criminal penalty at stake has been held to be a relevant factor in assessing the human rights compatibility of reverse onus provisions. However, in my opinion, even taking account of the increased maximum penalty, any limitation on the right is reasonable and demonstrably justified under section 7(2) of the charter for the following reasons.

(1) Nature of right

It is well established that the right to be presumed innocent is not absolute and can be limited, provided that limitations are kept within reasonable limits.

(2) Importance of purpose of limitation

The reverse onus in question serves the important purpose of rendering prosecution an effective mechanism for ensuring compliance with emergency orders, which are made to avert danger to persons or property identified by a qualified surveyor. Knowledge of the factual basis for establishing the defence in section 118(3) will be within the possession of the defendant, and as such it would be impractical to require the prosecution to bear the full burden of establishing the absence of this defence. The increase in penalty is specifically required in order to ensure a sufficient deterrent effect.

(3) Nature and extent of the limitation and the relationship between the limitation and its purpose

Since knowledge of the factual basis for the defences will be within the possession of the defendant, it will not be unduly onerous for a defendant to point to sufficient evidence to discharge the evidential burden placed on him or her. Moreover, even though the penalty has been significantly increased, what is at stake for a defendant remains only conviction for a regulatory offence carrying a financial penalty and no prospect of imprisonment.

(4) Any less restrictive means

I consider that the new maximum penalty set by the bill is essential in order to restore an effective deterrent effect, in particular by ensuring that the penalty exceeds any potential commercial gains available through breach of the regulations. The sentencing process will ensure that penalties in individual cases are commensurate to the circumstances of the offence.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Richard Wynne, MP
Minister for Local Government

Second reading

Mr WYNNE (Minister for Housing) — I move:

That this bill be now read a second time.

The objective of the bill is to:

1. increase maximum penalties for certain building and plumbing offences in the Building Act 1993 (Building Act);

2. make minor technical amendments to the Building Act to enable registration or licensing in a class or classes of specialised plumbing work to be prescribed by regulation as a prerequisite to the registration and licensing in other classes of specialised plumbing work;

3. amend the Building Act to specifically identify the Victorian Managed Insurance Authority (VMIA) as a designated insurer within the terms of section 137AA(2) to support the introduction of a government-underwritten domestic building insurance scheme, funded by builder premiums and operated by the VMIA; and

4. make a statute law revision to the House Contracts Guarantee (HIH) Act 2001.

Increase in maximum penalties

The offences under the Building Act have been designed to ensure the effective operation of the building and plumbing industries and to protect consumers and the public generally from non-compliance. However, the penalties associated with the offences have not been reviewed since the act was passed in 1993 and since that time their deterrent effect has been reduced.

In considering which, if any, of the penalties should be reviewed a number of factors were taken into account, including key areas of non-compliance, the importance of compliance to the fundamental operation of the building regulatory regime and the potential safety and consumer implications that may result from non-compliance.

Increased penalties will improve the effective operation of the building sector by increasing compliance with building and occupancy permit requirements and notification requirements of relevant parties such as owners, building surveyors and councils of building works.

The review of maximum penalties will also deter non-compliance by a minority of people that engage in unprofessional behaviour or misconduct. This would raise building standards and improve the reputation of, and consumer confidence in, the building and plumbing industries.

The proposed maximum penalty increases will convey a strong message to the community that the government considers offences under the act to be a serious matter, whereas magistrates have previously commented on the low level of penalties provided for some offences and the importance of stronger deterrents to ensure the fundamental safety of buildings.

Any consideration of penalties should also ensure that the extent of the deterrence provided by the penalty is at a point where the benefit of not complying with the requirement is outweighed by the loss imposed by that penalty.

Where the benefit of non-compliance is not outweighed by the potential maximum penalty which could be imposed then people will not be deterred from offending. Recent examples related to the activities of two building surveyors who have had their registration cancelled illustrate why penalties need to be increased. In one case, the building surveyor had over 100 allegations of non-compliance with the Building Act covering 580 sites.

Minor technical amendments to the Building Act

These amendments are technical amendments designed to clarify the prerequisite for registration or licensing in a class or classes of specialised plumbing work.

Under the current provisions the registration or licensing in a class of plumbing work was only able to be prescribed as a requirement for registration or licensing in a class of specialised plumbing work. This amendment will enable registration or licensing in a class or classes of plumbing work or specialised plumbing work to be prescribed as a requirement.

Plumbing work is designated to be specialised plumbing work because of the safety implications associated with the carrying out of that work and in recognition of the particular skills considered to be required. Some classes of specialised plumbing work require as a prerequisite the additional specialised skills that can only be obtained by a person registered in another class of specialised plumbing work. The amendment will enable plumbers with the most relevant registration or licensing to be able to undertake a specialised class of plumbing work.

As most people would not know whether or not plumbing work has been undertaken properly until such time as the work fails it is important that only those people with the right expertise undertake the work. This is especially so in regard to specialised plumbing work where even more serious consequences can arise as a result of the work not being undertaken by the appropriately licensed or registered plumber.

Identify the Victorian Managed Insurance Authority (VMIA) as a designated insurer

The government will introduce a government-underwritten domestic building insurance scheme, funded by builder premiums and operated by the Victorian Managed Insurance Authority (VMIA). The scheme would be fully implemented by the end of 2011.

A building practitioner that is required to obtain insurance must obtain this insurance from a ‘designated insurer’ as defined under section 137AA of the Building Act 1993, and it is unclear whether the VMIA currently satisfies the requirements under this section.

The proposed bill will amend section 137AA of the Building Act 1993 to specifically identify the VMIA as a designated insurer within the terms of section 137AA(2) until a full legislative package is developed.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until Thursday, 29 April.

FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL

Statement of compatibility

Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Fair Trading Amendment (Unfair Contract Terms) Bill 2010.

In my opinion, the Fair Trading Amendment (Unfair Contract Terms) Bill 2010, 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 amend part 2B of the Fair Trading Act 1999 to ensure that the unfair contract terms provisions in that part are consistent with national unfair contract terms provisions in the Commonwealth Trade Practices Amendment (Australian Consumer Law) Bill 2010 (the ACL bill).

In particular, the bill —

amends the definition of 'consumer contract', for the purposes of part 2B, in line with the national definition;

amends the part 2B definition of 'unfair term' in line with the national definition;

introduces a rebuttable presumption that an unfair term is not reasonably necessary to protect the legitimate interests of the party who would be advantaged by the term;

sets out factors that must be taken into account in finding that a term of a consumer contract is unfair;

excludes certain types of terms and contracts from the operation of part 2B;

includes examples of the kinds of terms of a consumer contract that may be unfair;

limits the application of part 2B to consumer contracts that are standard form contracts;

repeals the definition of 'standard form contract' and instead sets out factors that a court must take into account in determining whether a contract is a standard form contract;

includes a rebuttable presumption that a contract is a standard form contract;

modifies the existing enforcement and remedies provisions under part 2B to make them more consistent with the national provisions; and

aligns the transitional provisions relating to the amendments with equivalent provisions in the ACL bill.

The bill also removes the current power for regulations to be made prescribing a term to be an unfair term for the purposes of part 2B, and repeals existing part 2B offences for using or attempting to enforce a prescribed unfair term. This is in line with the national unfair contract terms provisions, which do not include an equivalent power or offences.

These amendments do not extend the impact of part 2B on any charter right.

The amendments simply ensure that the terminology and structure of the Victorian and national unfair contract terms provisions are consistent.

Human rights issues

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

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

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

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

Conclusion

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

Hon. Tony Robinson, MP
Minister for Consumer Affairs

Second reading

Mr ROBINSON (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

In 2003, following a 2002 recommendation by the Fair Trading Act Review Reference Panel, provisions regulating unfair contract terms were introduced into the Fair Trading Act 1999 (the act), as its new part 2B.

These provisions protect Victorian consumers who enter into consumer contracts for the supply of goods and services, whether with Victorian or non-Victorian suppliers, from unfair terms in those contracts.

Unfair contract terms provisions have served Victorians well. Since their introduction the director of Consumer Affairs Victoria has succeeded in a number of unfair

contract terms actions in the Victorian Civil and Administrative Tribunal, to the benefit of Victorian consumers.

The success of the unfair contract terms provisions of part 2B is demonstrated by the inclusion of similar unfair contract terms provisions in the commonwealth Trade Practices Amendment (Australian Consumer Law) Bill 2010.

These national unfair contract terms provisions, which form part of the forthcoming Australian Consumer Law, are scheduled to come into operation on 1 July 2010.

The bill amends part 2B of the act to achieve consistency between its provisions, and the national unfair contract terms provisions.

The bill amends the definition of consumer contract, for the purposes of part 2B of the act, in line with the national definition of that term. This ensures that the provisions of part 2B will apply to the same category of contracts as the national unfair contract terms provisions.

The national definition of unfair term has also been replicated, as well as a provision establishing a rebuttable presumption that an unfair term is not reasonably necessary to protect the legitimate interests of the party who would be advantaged by the term. The bill also amends part 2B to include factors that must be taken into account in finding that a term of a consumer contract is unfair.

In line with the national unfair contract terms provisions, the bill excludes certain types of terms — such as terms that set the up-front price payable under a contract — and contracts from the operation of part 2B, and includes examples of the kinds of terms of a consumer contract that may be unfair.

The bill also limits the application of part 2B to consumer contracts that are standard form contracts. part 2B currently applies to both standard form and non-standard form consumer contracts, while the national provisions only apply to standard form consumer contracts.

The bill repeals the existing definition of standard form contract, and instead sets out factors that a court must take into account in determining whether a contract is a standard form contract, as well as providing a rebuttable presumption that a contract is a standard form contract.

Finally, the bill modifies the existing enforcement and remedies provisions under part 2B to make them more consistent with the national provisions, and ensures the transitional provisions for the amendments are consistent with those in place for the national unfair contract terms provisions.

In accordance with the national partnership agreement to deliver a seamless national economy, and in line with the commitments of other states and territories, Victoria has agreed to apply the full Australian Consumer Law, including national unfair contract terms provisions, as a law of Victoria from 1 January 2011.

As part of the application of the Australian Consumer Law in Victoria, part 2B will ultimately be repealed, and replaced with the national unfair contract terms provisions.

This bill ensures that the provisions of part 2B and their national equivalents are consistent until this occurs.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 April.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Statement of compatibility

Mr ROBINSON (Minister for Gaming) 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 Gambling Regulation Amendment (Licensing) Bill 2010.

In my opinion, the Gambling Regulation Amendment (Licensing) Bill 2010, 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.

1. Overview of the bill

The bill is part of a package of legislation to implement the government's reform of the industry structures for gaming machines, wagering and betting and keno that will operate in Victoria after 2012. Under the new licensing arrangements:

(i) holders of a venue operator's licence will bid directly for 10-year gaming machine entitlements which will authorise venues to possess and operate gaming machines;

(ii) a new monitoring licence for the monitoring of gaming machines will be issued for the period of 15 years;

(iii) keno will be offered as a single 10-year licence; and

(iv) a single stand-alone 12-year licence will be offered for wagering.

Legislation relating to these new regulatory structures is already in place. The bill further implements the regulatory arrangements that will apply post 2012 to gambling licences and to associates by amending the Gambling Regulation Act 2003 and the Gambling Regulation Further Amendment Act 2009. The bill also amends the Casino Control Act 1991 in relation to disciplinary action against casino operators for offences involving minors.

(2) Human rights issues

The bill has been assessed against the charter. Insofar as the bill has consequences for natural persons, I make the following observations:

Privacy — clauses 49, 50, 51, 53, 54 and 58

Section 13(a) of the charter protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. The secrecy of personal information (including fingerprints, images, palm prints and other information about a person's identity and personal relations) lies at the heart of the privacy right because of its direct relevance to the choices or circumstances of an individual's personal life over which he or she is responsible and autonomous.

(i) Personal information

The bill provides for the scrutiny or disclosure of personal information in a range of circumstances:

> Clauses 49, 50, 51, 53 and 54 of the bill make provision for the disclosure of personal information in relation to investigations by the Victorian Commission for Gambling Regulation (the commission) about the suitability of individuals to participate in, or be associated with, the gaming industry. Photographs, finger prints and palm prints of interested persons that are obtained by the commission under sections 10.4.3, 10.4.7C, 10.4.7K, 10.4.7R or 10.4.7ZA of the Gambling Regulation Act 2003 and other information concerning an application that the Chief Commissioner of Police considers he or she needs to inquire into and report on the application must be referred to the Chief Commissioner of Police where:
>
> (i) the commission undertakes an investigation about the suitability of a person to be concerned in or associated with the management or operation of activities regulated by the act (clause 49);
>
> (ii) the secretary has requested the investigation in relation to registrations of interest and applications for the wagering and betting licence and keno licence (clause 50); or
>
> (iii) the minister has referred to the commission an application to transfer a relevant licence or requested the commission to report on the issue of a temporary licence (clause 51); or
>
> (iv) the secretary has requested the commission to carry out an investigation or inquiry into the suitability of persons to be invited or to apply for monitoring licences (clause 53); or
>
> (v) the secretary has requested the commission to carry out an investigation or inquiry that the commission considers necessary to enable the secretary to report to the minister on an application for the monitoring licence or to enable the minister to properly consider such application (clause 54).
>
> Clause 58 inserts part 4A of chapter 10 into the Gambling Regulation Act 2003 and provides for the monitoring and regulation of associates of gambling industry participants, including the disclosure of personal information about associates or proposed associates to the commission:
>
> (i) Section 10.4A.1 of the Gambling Regulation Act 2003 identifies suitability criteria against which the commission will assess whether a person is suitable to be an associate of the gambling industry.
>
> (ii) Such information will be scrutinised by the commission in determining whether to approve the person as an associate under section 10.4A.7 of the Gambling Regulation Act 2003 and may be the subject of an investigation or inquiry by the commission (division 6 of part 4A).
>
> (iii) Section 10.4A.12 provides that the commission can require disclosure of photographs, finger prints and palm prints by a person who is an associate of a gambling industry participant, a person likely to become an associate of the gambling industry participant, or a person the commission suspects of being an associate and refer such information to the Chief Commissioner of Police.
>
> (iv) Section 10.4A.13 provides that for the purpose of any investigation or inquiry concerning associates or persons likely to become associates, the commission may require a gambling industry participant or a person who in the opinion of the commission is an associate of the participant, to disclose relevant information, records and documents. The broad range of information may include personal information about persons associated with a gambling industry participant.
>
> (v) The commission may require the participant, a nominee or associate to notify it of any change in circumstance specified by the commission, including information affecting the suitability of a person to participate in the industry (section 10.4A.4).

Insofar as these provisions require disclosure of personal information of persons with a business interest or other relationship with a gambling industry participant, there is no arbitrary interference with the right to privacy. The personal information that may be disclosed is restricted to information

about natural persons seeking to benefit from the gambling industry through his or her association with a relevant industry participant. I note that the integrity of the regulatory structures governing gambling licensing depend on the honesty and integrity of participants in it. Further, persons seeking to participate in the management or operation of activities regulated by the gaming legislation voluntarily bring themselves within the regulatory structures that govern access to the gaming industry.

Insofar as these provisions facilitate scrutiny of personal information of family members of a gambling industry participant, the bill targets the risk that a gambling industry participant may be vulnerable to the influence of relatives, particularly where a close relative is not of good repute (having regard to character, honesty and integrity). The disclosure provisions offer an additional safeguard to ensure that the industry standards of honesty and integrity are maintained. Further, a 'relative' is narrowly defined to include only the immediate familial circle of a gambling industry participant. In these circumstances, any interference with the privacy and family life of a gambling industry participate and relevant family members is not an arbitrary interference with the rights protected by section 13 of the charter.

In conclusion, I consider that the narrow reach of the disclosure provisions to business associates and immediate relatives of gambling industry participants is compatible with the right to privacy.

(ii) *Interference with livelihood*

As noted above and in relation to the right to associate, the bill restricts the ability of certain persons from entering the gambling industry as business associates of a gambling industry participant on the basis of personal and financial suitability.

The equivalent right (to private life) under article 8(1) of the European Convention on Human Rights (ECHR) has been held to comprise, to a certain degree, the right to establish and develop relationships with other people. For that reason, broad measures banning individuals from employment have been found to limit this right where they affect an individual's ability to develop relationships with the outside world to a very significant degree and create serious difficulties for them as regards the possibility to earn their living (e.g., *Sidabras and Dziautas v. Lithuania* (Application nos. 55480/00 and 59330/00)).

In my opinion, it is unnecessary in this context to decide whether the privacy right in the charter is of similar reach. That is because I have concluded that the measures in the bill are not comparable to the more far-reaching restrictions that have been found to engage article 8(1) of the ECHR. The restriction is limited to participation in the gambling industry as an executive officer, through financial interest or by holding any relevant power to control or direct the affairs of the relevant business. Further, the exclusion from participation is not of the kind that will give rise to social stigmatisation of the sort comparable to that arising in many of the European cases.

Right to associate — clause 58

Section 16(2) of the charter relevantly provides that every person has the right to freedom of association. The reach of section 16 of the charter is wide and includes the right to voluntarily form and participate in any kind of organisation, provided that the body can be identified by the common purpose of its membership and its organisational stability. On a broad reading of the right, it is arguable that the freedom includes commercial relationships set up primarily for economic gain. The argument supporting this approach is particularly strong where the association is formalised in some manner, such as by financial contribution, where both entities pursue a common objective within a regulatory scheme, or where the association has some public purpose or service function.

As noted above, clause 58 of the bill provides for the commission to regulate the relationships between gambling industry participants and associates by inserting part 4A of chapter 10 into the Gambling Regulation Act 2003. The new part redrafts and consolidates existing provisions relating to the monitoring and regulation of associates of gambling industry participants, other than those provisions governing community and charitable gaming permits. Section 1.4 of the Gambling Regulation Act 2003 identifies an associate of a gambling industry participant as a person holding a relevant financial interest or power in the gambling industry participant, or a person who is an executive officer of the gambling business of a participant, or a relative of a participant where the participant is a natural person. Under the new part:

> gambling industry participants and associates must notify the commission of various matters relating to a person becoming or likely to become an associate and other matters relating to a person's suitability to be an associate (sections 10.4A.4, 10.4A.5 and 10.4A.6);
>
> the commission may approve or refuse to approve a person to become an associate of a gambling industry participant (section 10.4A.7);
>
> gambling industry participants must ensure that persons do not become associates without the commission's approval (section 10.4A.7);
>
> the commission may direct that an associate terminate the association with the gambling industry participant where the commission determines that the person is unsuitable to be an associate of the participant (section 10.4A.8);
>
> the commission may direct that a gambling industry participant take all reasonable steps to terminate an association on the basis of unacceptable conduct by the associate or unsuitability of an associate (sections 10.4A.8 and 10.4A.9); and
>
> the commission may declare that a person who is unsuitable to be an associate of a gambling industry participant, or any person who holds voting shares in the participant in which the unsuitable associate has a relevant interest, must dispose of shares in the participant held by that person (where the participant is a listed corporation). Failure to dispose of shares may result in their forfeiture to, and sale by, the state (sections 10.4A.10 and 10.4A.11).

Insofar as the bill applies to natural persons, clause 58 of the bill may limit the freedom of association of a gambling industry participant or associate to join with others in the conduct of the business affairs of the participant. It does not,

however, go further and restrict the personal relations between a gambling industry participant and other persons or relatives, such as a spouse, parent, son, daughter, brother or sister. Further, the disposal of shares in a gambling industry participant is restricted to the extent that such shareholding disqualifies an unsuitable person to be an associate of the participant. To the extent that the provisions regulate a gambling industry participant's freedom to choose their business associates, any limitation on the freedom to associate is reasonable for the following reasons:

(a) The nature of the right being limited

It is clear from the international and comparative case law that the right to associate is not absolute and is susceptible to reasonable and proportionate limitations.

(b) The importance of the purpose of the limitation

The purpose of the limitation is to safeguard the integrity of the gambling industry by regulating and/or preventing individuals who are considered unsuitable to participate in the industry from doing so by exercising influence over a gambling industry participant or with respect to their management or financial interests.

(c) The nature and extent of the limitation

As noted above, the scope of the limitation is confined to the regulation or restriction of persons with an existing or proposed business association with a gambling industry participant.

(d) The relationship between the limitation and its purpose

The amendments are clearly rationally connected to their purpose and seek to regulate the freedom to associate only where an associate or proposed associate is likely, through his or her influence, to put the stability and integrity of the gambling industry at risk.

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

There are no less restrictive means available.

Property — clause 58

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

Clause 58 of the bill entitles the minister to make a declaration about the shareholding in a listed gambling industry participant where an associate is found to be an unsuitable associate based on the associate eligibility criteria (section 10.4A.10). In these circumstances, the minister may make a declaration requiring a person to dispose of a specified number of shares in the relevant gambling industry participant (section 10.4A.10). Where a person fails to comply with the minister's direction to dispose of shares, the relevant shares are forfeited to the state and may be sold by the state (sections 10.4A.10 and 10.4A.11).

The proposed scheme enables the minister to maintain the integrity of the gambling industry by ensuring all associates of a gambling industry participant satisfy the associate suitability criteria. The criteria (clause 58, section 10.4A.1) focus upon a person's good repute having regard to character, honesty and integrity; his or her financial stability and the integrity of his or her business associates. It is in the interests of gambling industry consumers and the community, that persons with shareholding interests in participants be held to account in this way. The deprivation of shareholding interests in a participant in these circumstances does not, however, limit the right to property because the bill authorises the minister to make the relevant direction. In any event, the deprivation of property is restricted to the extent that such shareholding qualifies an unsuitable person to be an associate of the participant. Further, the rights of shareholders are protected by the rights of gambling industry participants and associates to appeal a declaration by the minister relating to the disposal or forfeiture of shares before the Supreme Court.

Fair hearing — clauses 64 and 68

Section 24(1) of the charter relevantly provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right to fair hearing applies to proceedings that are determinative of private rights and interests in a broad sense and includes the right of a person to present his or her case to a court or tribunal under conditions that do not place him or her at a substantial disadvantage. Following the decision in *Kracke v. Mental Health Board & Ors* [2009] VCAT 646 the right protects the integrity of administrative processes before statutory bodies, such as the commission.

Clause 64 (section 3.3.8) of the bill provides that where the commission fails to determine an application for the approval of premises as suitable for gaming within the required period, approval is deemed to have been refused. Clause 68 (section 3.4.20) makes similar provision in respect of determination of applications by a venue operator for amendments to licence conditions. The required period is 60 days after notification from a responsible authority under the Planning and Environment Act 1987 or by the municipal council that it does not intend to make a submission about the impact of the proposal for approval or from the date of any such submission. Following a 'deemed refusal', the applicant may apply for review of that determination by Victorian Civil and Administrative Tribunal (the tribunal) (section 3.3.14 and 3.4.21 of the Gambling Regulation Act 2003). The tribunal reviews decisions on the merits, having regard to the material before it, and without any view on the correctness of the refusal. Pursuant to section 148 of the Victorian Civil and Administrative Tribunal Act 1998, an appeal on a question of law may then be made to the Supreme Court or Court of Appeal.

The general rule is that there will be sufficient access to the court for the purposes of section 24(1) of the charter where a decision-making body does not comply with the requirements of a fair hearing provided that its determination is subject to review or appeal by a body which has 'full jurisdiction' and provides a fair hearing. The requirement of 'full jurisdiction' varies depending on the extent of the denial of a fair hearing at first instance. The decision in *Kracke* follows English authority in concluding that there may be some situations where full merits review will not cure a breach of the fair hearing right by the original decision-maker. This is likely to be the case where the decision-maker has made a fundamental and not technical or formal breach, such as by refusing the right to make representations, and where the detrimental effect of the breach is irreversible and incurable,

such as temporary suspension of employment and stigmatisation that may accompany that suspension.

In my view, the same logic does not apply to clauses 64 and 68 of the bill. The deemed refusal of an application under those clauses does not interfere with the opportunity of an applicant's current business activities, but delays the possibility that different opportunities may be pursued. The deemed refusal does not, on any assessment, stigmatise the applicant by suggesting that he or she is an inappropriate applicant for the requested approval. Rather, the provisions provide an administrative check on delays in the decision-making process and trigger the opportunity for the applicant to expedite the determination process and seek full merits review before the tribunal. For these reasons, my view is that clauses 64 and 68 of the bill are compatible with the right protected by section 24(1) of the charter.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Hon. Tony Robinson, MP
Minister for Gaming

Second reading

Mr ROBINSON (Minister for Gaming) — I move:

That this bill be now read a second time.

This government has undertaken a comprehensive review of Victoria's gambling industry to deliver the best outcomes for future generations of Victorians, through the gambling licensing arrangements that will apply beyond 2012. The government concluded the lotteries licensing phase of the gambling licences review in 2007, with the granting of two separate lotteries licences, ending the previous 54-year monopoly.

In April 2008, the government announced the outcome of the second stage of the review, including introducing competition for the first time for the single keno and wagering and betting licences. The reforms also include the landmark decision that Victoria's gaming industry would transition to a venue operator structure in 2012. The new proposed gaming machine arrangements will give venues direct control of their gaming operations and greater accountability to their communities. The government has also decided that a single independent monitor will oversee the integrity of gaming machine transactions in gaming venues from 2012.

The competitive licence-awarding processes for the new 15-year monitoring licence, the keno licence and the wagering and betting licence are currently under way. The government has also recently announced that the online auction, where registered hotels and clubs will bid for the remaining 10-year gaming machine entitlements, will start on 20 April 2010.

As part of the overhaul of the gambling industry, the government is committed to improving the way gambling is regulated in Victoria and ensuring that measures are in place to tackle problem gambling. To align with the post-2012 gaming industry structure, the government will implement innovative and world-leading measures to reduce problem gambling, including banning ATMs from gaming venues and mandating that gaming machines contain new precommitment mechanisms.

As honourable members will be aware, throughout the course of 2008 and 2009 this Parliament has considered and passed a number of bills that implement the outcomes of the government's announcement for the post-2012 gambling industry. The bill before the house will further enhance and strengthen the legislative framework needed to support the transition of the Victorian gaming industry to a venue operator structure as well as making a number of amendments to improve the operation of the post-2012 wagering and betting and keno licensing schemes.

In Victoria, linked jackpots on gaming machines are currently operated and it is expected that these jackpots will continue to be offered under the new venue operator structure. Linked jackpots involve the linking of various numbers of gaming machines, either within a single venue or across multiple venues, which collectively pool money that accumulates to create a jackpot prize held in a central account. As these jackpot funds are player funds, it is important that the handling of jackpot funds is closely regulated. Whilst venues will be responsible for the management of jackpot funds for linked jackpots that operate solely within their venue, multiple venue-linked jackpots require a different model to ensure that funds are handled appropriately. The bill therefore provides that the monitoring licensee will manage these linked jackpot funds on behalf of the participating venues. In providing this service, the bill requires the monitor to establish and maintain a trust account for the jackpot prize pool with the moneys held on trust for the venues. The venues will continue to be responsible to pay out winning jackpots to players.

Under the venue operator model there will be two types of gaming machine entitlements — hotel gaming machine entitlements and club gaming machine entitlements. This government introduced amendments last year to ensure that club gaming machine entitlements can only be allocated to club venues. The bill builds upon this by including an ongoing requirement that club gaming machine entitlements can

only be operated in a club by a venue that holds a club venue operator's licence. Whilst this requirement would not prevent a hotel venue operator from acquiring club gaming machine entitlements through the transfer scheme, the hotel could not operate those entitlements in a club venue. The hotel would have to apply to the Victorian Commission for Gambling Regulation under the act to change the venue condition on the entitlement to allow it to operate the entitlements in a hotel. However, this application would always be subject to the overarching requirement that the change must fit within the 50-50 distribution of entitlements between clubs and hotels.

The Gambling Regulation Act currently contains a range of provisions enabling the commission to conduct investigations into the associates of gambling licence-holders to ensure that the industry is free from criminal influence. These provisions are currently set out in various chapters of the act. The bill consolidates these provisions so that the regulation, and ongoing monitoring, of associates of gambling licensees is consistent across all gambling licences and is able to be conducted efficiently. These provisions will give the commission the necessary powers to enable it to investigate and assess the suitability of persons associated with gambling businesses.

In addition to the changes to the regulation and monitoring of associates, the bill removes the 10 per cent shareholder restrictions that are in place for the current gaming operators. These restrictions were originally put in place at the time of the public float of the TAB and again when Tattersall's was listed as a public company. The original reason for the imposition of the shareholding restrictions was to allow small investors to own part of the company. Given the passage of time since the public float, the shareholding restrictions appear to have served their purpose.

One of the other reasons for the imposition of shareholding restrictions was for probity reasons to ensure that unsuitable persons could not hold more than 10 per cent of a licensee's shares. In order to ensure the ongoing suitability of shareholders the consolidated provisions for the investigation and regulation of associates will apply to the shareholders of these licensees.

The bill also makes a number of technical changes to the disciplinary action provisions in the act to ensure consistency across all gambling licences. The changes will also provide that disciplinary action can be taken against the post-2012 licensees during the period in which they are authorised to undertake preparatory action before the commencement of the term of their licence.

The bill includes measures to further streamline the process for applications for premises approvals. These reforms are designed to put clear and reasonable time frames in place to ensure that both the relevant local council and the commission have sufficient notice of applications and to enable the commission to make timely decisions on applications.

Further, the bill provides a protection for the Victorian racing industry by including Trade Practices Act and Competition Code authorisations in relation to the development of the joint venture arrangements to be entered into with the new wagering and betting licensee for the funding of the racing industry after 2012.

Finally, the bill makes a range of technical amendments to the provisions for the post-2012 licences to clarify the operation of those provisions and provide greater certainty to the industry. The bill also amends the Casino Control Act 1991 to ensure that disciplinary action against the casino operator can be taken for offences that are set out in the gambling regulation act relating to gambling by minors.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 April.

THERAPEUTIC GOODS (VICTORIA) BILL

Second reading

Debate resumed from 25 March; motion of Mr ANDREWS (Minister for Health).

Ms MUNT (Mordialloc) — I am pleased to rise today to speak in support of the Therapeutic Goods (Victoria) Bill 2010. The bill replaces the Therapeutic Goods (Victoria) Act of 1994. It also adopts by reference the commonwealth Therapeutic Goods Act 1989. This has become necessary because over time more than 30 amendments have been made to the commonwealth act. While the original Victorian act mirrored the commonwealth act, significant differences have arisen between the acts and, rather than amend the original Victorian act to come into line with the commonwealth act, it has been decided to enact new legislation for Victoria. This new legislation reflects the commonwealth act but retains control over some aspects of the supply of therapeutic goods in Victoria

not currently covered by the commonwealth act — namely, the supply of therapeutic goods by hawking and through vending machines.

What is a therapeutic good? It is broadly defined as 'a good which is represented in any way to be, or is likely to be, taken for therapeutic use'. Examples of therapeutic goods include prescription medicines obtained directly from an authorised health-care professional and dispensed by a pharmacist or by prescription in a hospital setting. These can include contraceptive pills, antibiotics and strong painkillers. Further examples are non-prescription medicines that are available over the counter for self-treatment from pharmacies and some selected products that are available also in supermarkets, and health food stores and from other retailers.

These could include things such as cough and cold remedies, antifungal treatments, sunscreens and low-dosage analgesics such as aspirin and paracetamol. Complementary medicines are also included. These are sometimes known as traditional or alternative medicines and include vitamins, minerals, nutritional supplements and herbal and homeopathic products.

Medical devices such as medical gloves, bandages, syringes, condoms, contact lenses, diagnostic kits, disinfectants, X-ray equipment, surgical lasers, pacemakers, dialysis equipment, baby incubators and heart valves are also included under therapeutic goods. These will be regulated through the bill reflecting the commonwealth legislation.

Provisions specific to Victoria will mean that hawking or selling therapeutic goods by vending machine without the written permission of the Secretary of the Department of Health in Victoria, as is provided for by the current act, will continue to be prohibited. The minister will retain the powers under the new act to exempt persons or goods from these provisions by order published in the *Victoria Government Gazette*.

Also under this bill the Victorian secretary retains the power to make or adopt codes of practice, and the procedure for making or adopting a code of practice is specified. An example of such a code of practice could relate to the supply of therapeutic goods. The provisions relating to the supply of therapeutic goods via vending machines and hawking are mainly in place to ensure that there are strict controls to prevent children accessing therapeutic goods through these means. These provisions, which are specific to Victoria, are included in this bill as they are not included in the commonwealth legislation currently in place. In fact the commonwealth legislation has never covered these areas of regulation.

This new Victorian legislation will streamline the legislative requirements for businesses which trade in therapeutic goods, as they will only need to address one piece of legislation. That said, controls on therapeutic goods in Victoria will not be reduced. The applied provisions — meaning the commonwealth act as it applies as law in Victoria — will be enforced by commonwealth authorised officers as though it were a commonwealth law. The Victorian provisions will be enforced by Victorian authorised officers.

Lastly I give my thanks to the staff at Treasury Pharmacy at the top of Collins Street, who this very morning supplied me with over-the-counter therapeutic goods with great care and skill and enabled me to be here speaking on this bill this morning. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — It is a pleasure to speak on the Therapeutic Goods (Victoria) Bill, and the opposition does not oppose this legislation. This bill does three things. It abolishes the Therapeutic Goods (Victoria) Act 1994, it provides that the commonwealth Therapeutic Goods Act 1989 will apply as law in Victoria and it provides for the regulation of therapeutic goods in Victoria in that very small area that the commonwealth law does not cover or apply to.

I wish to quote from the section of the Therapeutic Goods Administration (TGA) website that gives an overview of the administration of therapeutic goods and of the purpose of the act:

> The Australian community expects that medicines and medical devices in the marketplace are safe and of high quality, and of a standard at least equal to that of comparable countries. The objective of the Therapeutic Goods Act 1989 —

that is the commonwealth act —

> which came into effect on 15 February 1991, is to provide a national framework for the regulation of therapeutic goods in Australia to ensure the quality, safety and efficacy of medicines and ensure the quality, safety and performance of medical devices.
>
> The regulatory framework is based on a risk management approach designed to ensure public health and safety, while at the same time freeing industry from any unnecessary regulatory burden.

That is a very good summary of the aim of therapeutic goods legislation. I draw to the attention of the house the fact that the term 'therapeutic goods' covers both medicines and medical devices, so it is more than just simply drugs and medicines.

To understand the context and the reason for the current bill we need to have an understanding of the history of therapeutic goods regulation in Australia. I refer to a publication called *A History of Therapeutic Goods Regulation in Australia* written by John McEwen and dated September 2007. It is probably not a bestselling publication, but it certainly provides a very good summary of the administration of therapeutic goods, with a rationale for that administration over the years. I will quote from the introduction by Dr David Graham, the national manager of the Therapeutic Goods Administration. He says:

> Therapeutic goods offer a relatively clear-cut example of the need for regulation. Medicines are novel consumer goods in that they involve consumers intentionally introducing chemicals into their bodies. While providing great benefits, the industry's products can be potent and indeed toxic and often a great deal of specialist skill and knowledge is required to use them correctly.

He goes on to say in the same introduction:

> As medicines, and other therapeutic goods such as medical devices, have evolved so has the regulation around three primary pillars of:
>
> their quality
>
> their safety
>
> their effectiveness.

That is very important.

The introduction also outlines the history of the evolution of therapeutic goods administration in the states and across Australia. It describes the period up to 1938 — these dates are arbitrary markers, but they represent different phases of thinking with respect to therapeutic goods administration — as an era when there was an increasing range of proprietary medicines appearing on the unregulated market. Many of those medicines were seen as quack medicines that made amazing therapeutic claims. Many of us would have seen the old advertisements for wonder pills, wonder drugs and wonder medicines. At that time both state governments and the commonwealth were looking to improve their control of these matters.

From 1939 to 1961 the National Health and Medical Research Council was more active in developing a national approach to labelling and standards, and the various states were introducing more regulatory controls. The period from 1962 to 1988 is described as an era when pre-market assessments of quality, safety and efficacy evolved and was integrated into a national therapeutic goods regulation system. In more recent times the national system has matured and we have seen the states move their regulatory controls towards a national system. That is a paraphrasing of that part of the introduction.

I now wish to quote from chapter 16 because it gives a neat summation of what has happened in more recent times and why we now have a bill before this house which does a unique thing in terms of making commonwealth law applicable as the law in Victoria. It states:

> By the 1980s, there was a mixture of state, territory and commonwealth regulation which resulted in both gaps and overlaps.

Mr Robinson interjected.

Dr NAPTHINE — It is a good read; I recommend it to the Minister for Gaming. The report continues:

> The deficiencies in the 'bandaid' approach to the regulations for therapeutic goods became increasingly clear. For domestic supply where the commonwealth did not want to test its interstate trade powers, there was a patchy framework of controls. For example, Victoria continued to have its Proprietary Medicines Advisory Committee which provided the state government with advice on over-the-counter medicines for registration in Victoria. New South Wales required manufacturers of medicines to be licensed and conducted an inspection program. However, resourcing for these activities was becoming more stretched.
>
> At the same time, other areas were largely unregulated, as was the case with most therapeutic devices and with complementary medicines for which there were increasing concerns about their quality and safety and the extravagant therapeutic claims that were being made.

It goes on to say:

> The Therapeutic Goods Act 1989 changed the focus of control from the point of import to the point of supply by using the commonwealth's powers over imports, exports, interstate trade and corporations. With the support of the states and territories, this gave the commonwealth coverage of all therapeutic goods other than those made by unincorporated manufacturers (so-called 'sole traders') for supply only within a state or territory. In order to cover sole traders as well, the states and territories, the states and territories were to introduce complementary legislation to the Therapeutic Goods Act or to legislatively refer such products to the commonwealth scheme.

What we had with the Therapeutic Goods Act and the significant changes that were introduced was a fundamental shift of most of the controls to the commonwealth. But we still had state-based legislation, which had to be updated regularly to incorporate changes to the commonwealth system. We still had some areas not covered by the commonwealth — the area called the 'sole trader area' — in terms of hawkers and vending machines. This bill before this house takes this approach a step further: it abolishes the state legislation so you do not get that out-of-step situation

where the commonwealth therapeutic goods legislation moves forward with the times and the state legislation lags behind, leaving loopholes and gaps. This legislation provides that the federal Therapeutic Goods Act 1989 will apply as law in Victoria. That is a significant step forward. But there are some additions to that and changes that need to be brought to the attention of the house.

I refer to the bill itself. Clause 6(2) specifically deals with the old issue of sole traders who are operating within the state and says that:

> … Those Commonwealth therapeutic goods laws so apply as if they extended to —
>
> (a) things done or omitted to be done by persons who are not corporations; and
>
> (b) things done or omitted to be done in the course of trade and commerce within the limits of Victoria.

Clause 6(2) specifically deals with the issue of those sole traders who operate within Victoria and transfers those responsibilities to the commonwealth so they can be dealt with by the commonwealth law. That fixes up that anomaly. But there are still some provisions within this legislation that leave certain controls specifically within the realm of the Victorian jurisdiction. They are in part 6 of the bill under the title 'Provisions specific to Victoria'. Clause 20 refers to hawking of therapeutic goods. It specifically provides that:

> … a person must not, without the written consent of the Victorian Secretary, knowingly supply therapeutic goods in a street or from house to house.

You cannot flog therapeutic goods on a door-to-door basis. There are specific exemptions under clause 20(2) so it does not cover the free distribution of clinical samples of therapeutic goods to registered medical practitioners, pharmacists, dentists or veterinary practitioners. It provides that exemption, but it makes it clear that in Victoria hawking and door-to-door sales of therapeutic goods are not acceptable. I would hope that over time the commonwealth therapeutic goods legislation will pick up that matter as well and it will become accepted right across Australia. Obviously there are some differences between states and territories on that issue; there is not universal agreement.

The second significant component of this concerns supply by vending machines. Clause 21 states that a person must not, without the written consent of the Victorian secretary, knowingly install a vending machine for the supply of therapeutic goods, knowingly supply therapeutic goods by means of a vending machine, knowingly permit a vending machine to supply therapeutic goods or knowingly permit therapeutic goods to be placed in a vending machine under that person's control. It provides that the secretary can give written consent for those things to be done, but the Victorian law says that in normal circumstances therapeutic goods should not be supplied in that way.

They are two specific areas where Victoria will retain legislative control, whereas the rest of the process moves to the federal law, which will operate as law in Victoria, including what was previously an anomaly with respect to sole traders.

In part 7, clause 22 of the bill refers to codes of practice. This is the Victorian provision to make codes of practice with respect to therapeutic goods, particularly regarding vending machines and hawking. It is of note — and I wish to draw this to the attention of the house — that clauses 22(3) and 22(4) read together are interesting components of the bill. Clause 22(3) states that the code of practice may incorporate documents, codes, standards and rules from other documents. So you may be able to say a certain document is a part of this code of practice. That is an efficient way of presenting information to make people are aware of it.

Clause 22(4) is important in ensuring we are aware of it and our codes of practice are up to date. Clause 22(4) states that if a document, code, standard, rule or specification is incorporated in a code of practice and then the fundamental document is changed or altered, that change or alteration is not to be taken as amending the code of practice until the Victorian secretary causes a notice to be published in the *Victoria Government Gazette*. It is incumbent on the Victorian secretary and the minister to make sure that these codes of practice are kept up to date.

When documents and standards from other jurisdictions or from other areas are being incorporated, the code can only be considered as up to date if those documents are up to date, and this makes it clear that those documents cannot be changed unless this process with the *Victoria Government Gazette* has been gone through. Therefore it is important that there is vigilance with respect to that.

The other area with respect to the codes of practice that I wish to draw attention to is dealt with in clauses 27 and 28 of the bill. It is interesting, given the debate we had in this house on Tuesday on the Livestock Management Bill. The coalition sought to incorporate in that bill a clause to allow disallowance by either house of Parliament of standards set under the Livestock Management Bill, which will become law.

The Minister for Agriculture and the member for Narre Warren North argued strongly against those disallowance provisions, but reluctantly accepted the view of the Legislative Council that the disallowance provisions should be incorporated. The government at the time argued that disallowance provisions were not necessary, the Scrutiny of Acts and Regulations Committee process was adequate, and the coalition insisting on providing for disallowance by either house of Parliament was a pandering to the Greens, inappropriate and wrong.

It is interesting that on pages 20 and 21 the bill provides that when a code of practice is adopted or a change is made to a code of practice a copy of both the code of practice and any amendments to it must be laid before each house of Parliament for seven sitting days after the notice has been published in the *Government Gazette*. Clause 28(1) provides:

> A Code of Practice may be disallowed in whole or in part by either House of Parliament.

Clearly in this case disallowance is considered by the government to be right and proper. I agree, but it is a pity that it did not have the same attitude to disallowance under the Livestock Management Bill. Such disallowance provisions are most welcome. They are important when one is dealing with codes, regulations and laws that are written in de facto. The ultimate test of such laws should be through the democratic process of either house of this Parliament.

Part 8 of the bill deals with enforcement provisions. It goes to issues such as who are authorised persons and ensuring that they are identified correctly, and to search and seizure provisions, which are appropriate in this legislation.

In general terms it is interesting that what we are doing with this legislation is repealing the Therapeutic Goods (Victoria) Act 1994 and providing that the commonwealth Therapeutic Goods Act will apply as law in Victoria. We are transferring responsibility for lawmaking to the federal Parliament, but the law will be administered by Victorian officers working in conjunction with the appropriate commonwealth officers. This is a reasonable approach because the fundamental legislation — the federal legislation — is still being drafted, debated and scrutinised by a democratically elected Parliament. That is why the opposition does not oppose this situation, which is quite different from which was proposed for the Livestock Management Bill. For that bill the drafting of the standards that would become part of the legislation was to be farmed out to unelected members of a body with no accountability in the democratic process.

It is also of note that this seems to be one area of health administration where the Victorian government agrees with and supports a commonwealth integration of services, although it has not done so in other areas. However, with regard to that, I must say that I believe that the Victorian health system is not being managed with the efficiency that it should be and that Victorian patients are not getting the best possible service. A change of government in Victoria would significantly improve the administration, operation and efficiency of Victorian health services, whether they be hospital services, primary-care services, mental health services or others in the full range of health services.

Having said that, I do not support in any way, shape or form the plan of Prime Minister Rudd. The Rudd plan represents a retrograde step for patients and for Victoria generally. In that respect, I support what the Premier and the Minister for Health are doing in standing up for what I consider a better structure and a better system, rather than a federal takeover of health. While this government is not doing the best possible job on health, the Rudd plan would be even worse. Fancy handing over management of our fundamental health services to people who cannot run a pink batt scheme, an immigration system or a school building program! They are incompetent and should not be allowed near our hospitals and health system.

I hope the Premier and the Minister for Health maintain their opposition to the Rudd dud health plan. It is a dud plan — it is not good for patients and it is not good for Victoria. I hope that the Minister for Health and the Premier do not succumb to being bought off, because there is a real fear that the first operations done with any funding increase from the Rudd government — not the pea and thimble trick that has been offered so far — would be spinectomies for the Premier and the Minister for Health, who will go to water and sell out Victoria, putting Labor first and Victoria second. I urge them to put Victoria first — that is, to put Victorian patients and the Victorian health system first.

This bill demonstrates proper and reasonable cooperation arrangements for health systems and the administration of health. This shows how it can be done in a cooperative and productive way, not like the current negotiations on health, which seem to be built on bullying, bribes and bluster. The Rudd dud plan should be rejected.

I am also aware that great challenges are being faced daily by the Therapeutic Goods Administration in considering the large number of medicines and medical devices that come before it. There is enormous pressure on the TGA to approve new drugs and to widen the

approval of medicines for new uses. The proponents and potential users of the drugs put pressure on the organisation to speed up the process. I urge the TGA to continue to use caution and consider the best expert advice and information to ensure that the medicines and medical devices that it approves are of good quality and are safe and effective.

There is a need for all government programs and agencies to move with the times and with medical advances, particularly in medical aids and devices. I bring to the attention of the house a case of a remarkable 55-year-old man living independently in his own home in my electorate of South-West Coast. Twenty-seven years ago this man suffered a very severe spinal injury in a fall from a hay shed roof at Castlemaine. He is paralysed from the neck down, except for very limited movement in his shoulder and upper arm. He is a quadriplegic. It is a credit to him, his family and his carers that he is living in our community, with the support of carers, but particularly with the assistance of a wide range of equipment that is available to him. When you see the advances in medical devices and therapeutic aids, it is a great credit to all the people involved in the development and improvement of those medical aids and devices.

I want to highlight the fact that he now needs to update his 10-year-old wheelchair. I was amazed to see a demonstration of some of the new options available to him, which would enormously improve the quality of his life. There are great opportunities for him to use what is called a stander-style wheelchair, for somebody like him who is a quadriplegic and who spends most of his life lying flat on his back. He is a mouth painter of some repute, and this would provide greater tilting space, allow him to stand up with assistance, which would give him greater dignity, improve his health, bladder drainage and infection control, and offer musculoskeletal improvements. It would also have enormous psychological benefits.

But one of the dilemmas he faces is that that medical equipment will cost more than $30 000, and under the Victorian aids and equipment program guidelines for February 2010 the maximum that the government will assist with is $6000 for any piece of equipment. I think it is time that that program were updated. It is an excellent program, and I had the honour in my time as Minister for Youth and Community Services to administer the program of appliances for disabled people, or PADP, as it was then called. It helps many Victorians improve the quality of their lives and gives them greater independence. One of the challenges for that program is that we have new therapeutic goods and devices coming online all the time that do a fantastic job in improving the quality of life and opportunity for people, but we need to update its guidelines so that the maximum payable to individuals reflects the costs of some of these newer devices.

I urge the government to assist this man, as what he has achieved and his spirit make him quite remarkable, given 27 years of quadriplegia and his level of independence. He deserves the support of a new standing wheelchair, but that is beyond his capacity financially, and with the equipment program capped at $6000 it seems like an impossible task. In our modern society I do not think it should be an impossible task, and I urge the government to increase the maximum or at least provide for specialist exceptions in unique cases, and I would argue that this person is one of those cases.

The opposition does not oppose the bill. It provides an example of good cooperation between state and federal jurisdictions on a way forward with regard to simplifying therapeutic goods administration in Victoria and Australia, ensuring that legislation on that administration is kept up to date and accurate, and to ensuring that the therapeutic goods and medicines and medical devices that are approved for use in Victoria and Australia are safe, are of good quality and do the job they are intended to do.

I place on record my appreciation and that of the wider community over the years for the good work that the therapeutic goods people do. We have all heard of cases that are widely publicised where sometimes there are problems with drugs that are used that do not quite work, but there are millions and millions of examples where the therapeutic goods people do a fantastic job on a day-to-day basis and ensure that the medicines we take and the therapeutic goods that we use are of a good quality, and we can be proud of the work they do.

Ms KAIROUZ (Kororoit) — I have pleasure in contributing to debate on the Therapeutic Goods (Victoria) Bill. From the outset I note the support of the member for South-West Coast for the Brumby health plan as being the best plan for Victorians, and certainly the Brumby government puts Victorians first. But we are not here to talk about that, we are here to talk about the therapeutic goods bill.

A therapeutic good is broadly defined as a good which is represented in any way to be, or is likely to be taken to be, for therapeutic use. Examples of therapeutic goods are prescription medicines obtained directly from an authorised health-care professional or dispensed by a pharmacist on a prescription or in a hospital setting. Examples of these include contraceptive pills,

antibiotics and strong painkillers. Another example of therapeutic goods are non-prescription medicines available over the counter for self-treatment, and they can be obtained from pharmacies or selected supermarkets. They can also be obtained from health food stores and other retailers. Examples of these include cough and cold remedies, antifungal treatments, sunscreens and aspirin or paracetamol.

Then there are the complementary medicines, also known as traditional or alternative medicines. Examples of these include vitamins, minerals, nutritional supplements and herbal and homoeopathic products. The last group is medical devices, which include medical gloves, bandages, syringes, condoms, contact lenses, diagnostic kits, disinfectants, X-ray equipment, dialysis equipment, baby incubators and heart valves.

The bill addresses three issues. Firstly, it repeals the Therapeutic Goods (Victoria) Act 1994. This is needed because at the time it was enacted the 1994 act mirrored the commonwealth Therapeutic Goods Act 1989. The 1994 act was required, as constitutional limitations meant that the commonwealth act did not cover natural persons trading intrastate. There are now significant amendments to the commonwealth act, and the 1994 act no longer mirrors the commonwealth act.

Secondly, it also adopts, by reference, the commonwealth Therapeutic Goods Act 1989 as amended from time to time. In that way the commonwealth legislation can be applied as a law of Victoria. This will improve the ongoing uniformity of the national scheme for therapeutic goods. This approach has already been taken by other participating jurisdictions such as New South Wales and Tasmania. It will mean the commonwealth legislation applies to all entities including natural persons and unincorporated associations.

Thirdly, it continues controls over the aspects of the supply of therapeutic goods that have not been covered by the commonwealth act. Therapeutic goods cannot be sold from vending machines or by hawking without the written permission of the Secretary of the Department of Health in Victoria. Permission granted by the secretary may be subject to conditions. These conditions will allow strict controls to be put in place to prevent access to therapeutic goods by children. This achieves the outcome of allowing supply of certain therapeutic goods from vending machines in limited circumstances, as recommended in the national competition review.

The controls on therapeutic goods in Victoria will not be reduced by the bill. However, compliance costs for Victorian manufacturers of therapeutic goods will be reduced as they will only be required to adhere to one piece of therapeutic goods legislation. Natural persons or unincorporated entities trading therapeutic goods intrastate will be subject to the same regulation as corporations, as occurred under the provisions of the 1994 act. The applied provisions, meaning the commonwealth act as it applies as law in Victoria, will be enforced by the commonwealth authorised officers as though it were commonwealth law, and the Victorian provisions will be enforced by Victorian authorised officers. The vast majority of trade in therapeutic goods is by corporations, which are already regulated by the commonwealth act. The application of the commonwealth act and any ongoing amendments to it will result in Victoria having up-to-date therapeutic goods legislation.

In conclusion, the overall aim of the bill is to remove any discrepancies and provide for future changes to the commonwealth Therapeutic Goods Act. The bill changes the approach of therapeutic goods law in Victoria to directly applying the provisions of the Therapeutic Goods Act rather than replicating the provisions in a separate act. This approach will allow Victorian law to automatically adjust in the event of future changes to the Therapeutic Goods Act and provides for certain additional minor issues that are not addressed by the act. I commend the bill to the house, and I wish it a speedy passage.

Dr SYKES (Benalla) — I rise to contribute to debate on the Therapeutic Goods (Victoria) Bill 2010, a bill which repeals the Therapeutic Goods (Victoria) Act 1994 and provides for the application of the Therapeutic Goods Act 1989 of the commonwealth as a law of Victoria. It also, as mentioned by other speakers, makes provision for some Victoria-specific applications. Let me make it clear that I certainly support the principle of a national approach to many of the pieces of legislation we have in Australia, and this bill seeks to achieve that. We have uniformity of principle, but it is equally important that we recognise and accommodate regional variations and needs, and this bill provides for that.

I will just explore a little bit of history and the issue from a country perspective. I recall as a youngster — Acting Speaker, this may go back to your time as a youngster, too — when the Raleighs man used to come along and offer us many wonderful products. They were generally highly regarded, but then there were less reputable hawkers of products, often referred to disparagingly as snake-oil salesmen. We have moved on from those days, and generally the controls that we have on our therapeutic goods — as indicated by other

speakers, that includes both medicines and medical devices — are desirable in order to ensure protection of consumers, balancing that up with availability of these products.

From that perspective we can look at the needs of some of the small communities in the electorate of Benalla where access to therapeutic goods can be difficult at times. For example, we have the small community of Eildon, near Lake Eildon, just upstream from where they have put that terrible north–south pipeline and are going to take water from northern Victoria. Eildon has a small pharmacy which is a branch of an Alexandra pharmacy. The pharmacists tend to come out a couple of days a week, and if they are able to provide the products there on the day, they can, otherwise those products are put together and arrive from Alexandra a couple of days later. That is a good, practical service seeking to accommodate local needs, albeit it is not as good as what you get in larger centres where you can have a wide range of prescription products available within a few minutes. It is a similar situation in Violet Town where Marsha Watson and Jenny Milner have a pharmacy that runs as a branch practice from Benalla.

The other issue that is very relevant to country people accessing medicines is having GPs available to provide prescriptions for those medicines, and that does present some challenges in a lot of our communities. In Violet Town that issue has been addressed through the recruitment of a GP, and that is a credit to the Violet Town community health centre and the effort the people there have put into approaching community health in the broadest possible terms. The efforts of Phil Rodriguez are truly amazing, and as a result of that the Violet Town community is very well serviced in relation to many health requirements. As I said, that is a credit to Phil Rodriguez and the people of the Violet Town community health centre.

Eildon at this stage is a small community struggling to have a GP, and whilst that is being covered from Alexandra at the moment, one of the difficulties of living in rural Victoria is that sometimes GP services are not immediately available. Even in our larger communities such as Benalla waiting lists of four to six weeks to see GPs for non-urgent matters are the norm.

We also have a situation at the moment in the King Valley. GP services have been provided on a one daya-week basis at both Whitfield and Moyhu. Back in December it was proposed that they be terminated. There was a heck of a community reaction, as many people in the King Valley need to access both GP services and the products for which GPs can write out prescriptions. People were faced with the prospect of having to go all the way into Wangaratta, which for some people is a round trip in excess of 100 kilometres or more. Fortunately the Whitfield GP situation is under control: we have an extension of time for 12 months, and the community, the GP and others in community health are working through that. The Moyhu situation is not quite so favourable, but I can assure the people in the King Valley that I will continue to work with them. I know the Minister for Health is also keen to ensure that people in the valley have access to GP services and, through the GPs, to therapeutic goods.

Another development which people have commented on is the increasing availability of products in locations such as service stations. I, along with many other members of The Nationals, call into a lot of service stations as we rack up between 50 000 and 60 000 kilometres a year. We have noticed the changing availability of these products at service stations.

It is also interesting to put this national approach to therapeutic goods for treating humans in the context of similar requirements for nationalisation and a tightening up of regulation of veterinary products. At my property I am required under both legislation and the quality assurance program I participate in to have details of all my therapeutic goods recorded, including where I purchased them, their batch number and the date of expiry. I am also required to store them in a safe and secure space and to record the use of those products. What we have in this bill is part of the broader overall control of products so that while they can be made available there is also protection and minimisation of the opportunity for their misuse and abuse.

As the member for South-West Coast noted, section 28 of this bill provides for the disallowance of a code of practice. I feel the need to support that provision, particularly in light of the criticism by the Minister for Agriculture of the position I took in relation to the disallowance of regulations under the Livestock Management Bill. We on this side of the house argued that the regulations should be disallowable. The minister reluctantly accepted that but chose to give us a fair pay out in the debate earlier this week. In this case the government has recognised the merits of the regulations being disallowable. If there is a bit of talk at times about inconsistency, then I think the government needs to look at itself in that regard.

The other issue raised by the member for South-West Coast which also has application to the electorate of Benalla is that of medical devices and the very valuable Victorian aids and equipment program, of which many constituents in my area have been able to take

advantage. There have been occasions when the level of funding available for that program has meant that people have been on a waiting list and have not been sure of when they are going to qualify for funding, which has put them in an awkward situation of not being able to access essential medical devices, whether that be a new wheelchair or some other device, to help make their lives easier. Limited funding has made that difficult. Equally important in considering the general notion of equitable access to health services is the Victorian patient transport assistance scheme, which needs an overhaul to make sure that people in country Victoria can have equitable access to specialist medical health services, particularly when that involves travelling over a long distance. I will leave further discussion on that issue for another day.

In summary, this piece of legislation is a logical step towards a national approach to the handling, management and dispensing of therapeutic goods. It recognises the need for regional variation. It includes some Victoria-specific requirements, which other speakers have referred to and which makes sense. This is a piece of legislation that I am happy to see move through the Parliament as quickly as possible so that we can have a common-sense approach to the dispensing of therapeutic goods.

Mr LIM (Clayton) — I am pleased to express my support for the Therapeutic Goods (Victoria) Bill. It is very pleasing to hear that the opposition is not opposing it. It is very encouraging to hear successive opposition speakers supporting the bill.

The bill repeals the Therapeutic Goods (Victoria) Act 1994 and applies the commonwealth Therapeutic Goods Act 1989 as legislation in Victoria. As many other members have mentioned, that is to tally up with the national legislation and bring about national uniformity. As the previous speaker mentioned, it also provides for regional variation.

The commonwealth Therapeutic Goods Act 1989 was first established with the aim of providing the country with an overall system and ongoing supervision of the management of therapeutic goods. When the commonwealth passed that act significant aspects were being regulated through the statutory authority of the commonwealth, including quarantine, customs, trade between the states and territories, and companies that were involved in the trading of therapeutic goods. Ongoing supervision of the regulation of therapeutic goods is very important so that Australian consumers can be assured of convenient accessibility to safe, quality therapeutic goods that have the highest standards of effectiveness and potency.

Without repeating what other members have already mentioned on just about every aspect of this bill and singing its praises, I commend it to the house.

Mr BLACKWOOD (Narracan) — It is with pleasure that I take this opportunity to speak in the debate on the Therapeutic Goods (Victoria) Bill 2010. The main purpose of the bill is to repeal the Therapeutic Goods (Victoria) Act 1994 and replace it with legislation which applies the commonwealth Therapeutic Goods Act 1989 as a law of Victoria. This new law is intended to plug gaps in the areas that have developed since 1994 where Victorian legislation is inconsistent with commonwealth legislation. The bill will control the supply of therapeutic goods not covered by the commonwealth act — namely, the supply of therapeutic goods by hawking and through vending machines in particular.

The commonwealth Therapeutic Goods Act 1989 provides for the establishment and maintenance of a national system of controls over therapeutic goods. When the commonwealth enacted the Therapeutic Goods Act 1989 it relied upon its constitutional powers to regulate trading corporations, interstate trade, customs and quarantine. The commonwealth's powers to regulate did not extend to natural persons trading in a state or territory, natural persons being unincorporated persons. This left the states and territories to either enact mirror legislation or adopt the commonwealth act by reference to regulate these entities. When Victoria enacted the Therapeutic Goods (Victoria) Act 1994 it mirrored the commonwealth Therapeutic Goods Act. Since then there have been at least 30 changes to the commonwealth act. This has resulted in the Victorian act no longer reflecting the provisions of the commonwealth Therapeutic Goods Act in significant respects.

For Victoria to continue to regulate by mirror legislation would cause significant administrative inefficiency without a corresponding benefit. It is also worth noting that the National Co-ordinating Committee on Therapeutic Goods has recommended changes to state law be made by reference. In replacing the Therapeutic Goods (Victoria) Act 1994 the same approach is being taken as has been taken in New South Wales and Tasmania. The bill applies the commonwealth act, as amended from time to time, as a law of Victoria.

Part 2 of the bill deals with the applied provisions, which apply the commonwealth law as a law of Victoria. The commonwealth act sets out the legal requirements for the import, export, manufacture and supply of medicines. It details the requirements for

listing or registering all medicines on the Australian register of therapeutic goods. Other aspects of the commonwealth act include regulating advertising, labelling and product appearance. The commonwealth act is supported by the regulations and various orders and determinations.

The Therapeutic Goods Administration, known as the TGA, is part of the federal government's Department of Health and Ageing. The TGA has responsibility for administering the commonwealth act and carries out a range of assessment and monitoring activities to ensure that all therapeutic goods are of an acceptable standard. At the same time the TGA ensures that the Australian community has access, within a reasonable time frame, to therapeutic advances. The TGA's control of medicines is exercised through various processes, including the pre-market evaluation and registering of approved products and the licensing of manufacturers and subsequent monitoring of them in accordance with international standards of good manufacturing practice. It also includes post-market monitoring of products and adverse event reporting.

Part 3 of the bill deals with functions and powers under the applied provisions. The commonwealth has the same functions and powers under the applied provisions as it has under the commonwealth therapeutic goods laws. Parts 4 and 5 of the bill apply commonwealth administrative laws to any matter arising in relation to the applied provisions as if they were a law of the commonwealth, and offences will be prosecuted as commonwealth offences and not as a breach of Victorian law.

Part 6 of the bill contains provisions specific to Victoria, which mean that hawking or the sale of therapeutic goods by vending machine without the written permission of the Victorian Secretary of the Department of Health continue to be prohibited, as they are in the existing act. Part 6 also gives the minister the power to exempt persons or goods from these provisions by order published in the *Government Gazette*.

Part 7 of the bill provides the Victorian secretary with the power to make or adopt codes of practice and outlines the procedure for making or adopting a code of practice. Importantly, it outlines the process for review by the Victorian Civil and Administrative Tribunal if a person has been adversely affected by a decision of the Victorian secretary under part 7 of the bill.

Part 8 of the bill deals with the enforcement of the Victorian provisions. The bill includes updated Victorian standard provisions for authorised persons, the enforcement powers of authorised persons and evidential and legal proceeding matters. The final parts of the bill deal with general matters, such as the provision for making regulations and transitional provisions from the existing 1994 act.

As outlined in the second-reading speech by the Minister for Health, the bill aims to reduce administrative and compliance costs for potential Victorian manufacturers. Manufacturers of therapeutic goods will find the requirements for the manufacture and sale of therapeutic goods in one piece of legislation which is always up to date. However, given the Brumby government's deplorable record in reducing compliance and administrative costs across all business sectors, I have real hesitation in accepting that this outcome will be achieved. The red tape and bureaucratic minefield that has absolutely blossomed under this government is costing many Victorian jobs and is having a direct impact on the quality of life of so many Victorian families. Victorians quite rightly get very nervous when the Brumby government claims to be introducing legislation that will reduce input costs to business, when history has shown that over the last 10 years the opposite has occurred.

In conclusion, it is for this reason that I cannot give unqualified support to this bill. However, I will be supporting the coalition by not opposing this legislation.

Mr EREN (Lara) — I too rise to speak in support of the Therapeutic Goods (Victoria) Bill 2010. It is again good to hear the opposition supporting a very worthwhile and sensible bill. That has been a good practice recently of opposition members. They have supported a lot of the legislation that we have been bringing into Parliament. It is good to see that there is some level of cooperation and that members opposite are not just opposing bills for the sake of it.

Having said that, it would be remiss of me not to comment on some of the remarks about this government's record on health made by the member for South-West Coast in his contribution to debate on the bill. As a member of this government I am very proud of its achievements in the health system in Victoria. I remind members and all the Victorian community that when we took over from the Kennett government, of which the member for South-West Coast was a member and also a minister, health was an absolute basket case. As a result of the fantastic work of this government and its commitment to health generally we have seen a massive investment in health, particularly with the more than 9000 extra nurses and staff who have been put back into the system. In my area, for

example, there has been heavy investment in health. I want to make mention of that because I think it is important that people understand the investment this government makes in health.

To get back to the bill, this bill repeals the current Therapeutic Goods (Victoria) Act of 1994 and replaces it with legislation that more closely aligns with the commonwealth Therapeutic Goods Act of 1989. Since 1994, when the current legislation was created to mirror the then commonwealth law, there have been at least 30 changes made to the commonwealth Therapeutic Goods Act. Clearly a lot has changed in 16 years, and now we are faced with a piece of Victorian legalisation that no longer reflects the updated provisions of the commonwealth law.

The bill will ensure that the gap between the state and commonwealth laws is closed, and that the original intention of the 1994 act continues to live on in the proposed law. If we were to continue with the current legislation, it would only result in significant administrative inefficiency without any equal benefit, as the disparity between the Victorian and commonwealth legalisation has now become too great.

This bill is modelled on the same approach that is being taken in other states, such as New South Wales and Tasmania, by applying the commonwealth act, as it is amended from time to time, as the law of Victoria. In other words, the commonwealth law will become the Victorian law but Victoria will have the additional flexibility of being able to include provisions specific to Victoria.

The aspects of the commonwealth law that will apply as Victorian law relate mostly to the importing, exporting, manufacturing and supplying of therapeutic goods. They deal also with the requirement to list medicines on the Australian register of therapeutic goods. Also adopted from the commonwealth act are regulations on advertising, labelling and product appearance and presentation. That ensures that we are taking a universal approach and not adding to the administration and compliance costs of current and potential manufacturers.

Among the provisions specific to Victoria, a transitional provision allows manufacturers reasonable time to prepare for the adoption of this proposed law. Also specific to Victoria is the bill's retention of many of the provisions in the current Therapeutic Goods (Victoria) Act 1994, such as the current powers of the minister and the Victorian Secretary of the Department of Health and other general matters.

In conclusion, this bill updates old outdated legislation in an intelligent, well thought out and well-prepared way. By adopting this bill we are ensuring that we provide Victorian manufacturers of therapeutic goods with the requirements for the manufacture and sale of those goods in one piece of legislation which is always up to date. We are ensuring that those manufacturers no longer have to deal with the confusion that can be created with an ever-growing gap between state and commonwealth laws. By providing a streamlined and up-to-date law and ensuring that it will remain that way we are increasing the appeal to potential manufacturers of bringing their business to Victoria and encouraging our current manufacturers to stay in Victoria.

Therapeutic goods as applied to vitamins and the like are increasingly used by the wider population. A number of people, particularly the elderly, are taking calcium tablets and fish oil. I take fish oil myself. This law benefits the wider community. It will assist Victorians to have the best possible product available. I commend the bill to the house and wish it a speedy passage.

Mr SCOTT (Preston) — I will make a very brief contribution to debate on the Therapeutic Goods (Victoria) Bill 2010. As stated by previous speakers, this bill will provide for the application in the national scheme of the regulation of therapeutic goods by applying the Therapeutic Goods Act 1989 of the commonwealth as law in Victoria. The bill also provides for the regulation of therapeutic goods in Victoria in limited circumstances where the commonwealth act does not apply.

Provisions in the bill that relate specifically to Victoria are clauses 19, 20 and 21. They relate specifically to the provision and supply of therapeutic goods through vending machines and by hawking.

As stated by the member for Kororoit, therapeutic goods can include things such as prescription medicines, over-the-counter medicines, complementary medicines, traditional herbal medicines, vitamins, homeopathic products and medical devices such as gloves, bandages, syringes, condoms, contact lenses, dialysis equipment and heart valves. I note that outside of China Victoria is a world leader in regulating traditional Chinese herbal medicine, which is a very big industry in Victoria. The practice of Chinese herbal medicine plays a large role in the lives of people, particularly those from a non-English-speaking background, where it is a traditional form of medicine, but also more broadly in the community. There has been a very progressive rollout of regulation in this

industry, which has been a world leader in regulation in the Western world.

This is excellent legislation which will help regulate the supply of therapeutic goods. I am sure members are well aware of the important role that therapeutic goods play in the lives of Victorians and the need to ensure that regulation is up to date. In passing this bill we will improve regulation of the industry by ensuring the operation of the commonwealth system of legislation and providing specific Victorian regulations in the area relating to vending machines and hawking. I commend the bill to the house.

Mr ANDREWS (Minister for Health) — I am pleased to provide some commentary by way of summary on this important bill. This is a great example of common-sense change and of reform that can simplify otherwise complex arrangements and lead to greater efficiency and a more effective and appropriate regulation of therapeutic goods, not only with pharmaceuticals and agents but also with therapeutic devices.

I thank the members for Mordialloc, South-West Coast, Kororoit, Benalla, Clayton, Narracan, Lara and Preston for their important contributions to this debate. Again, these are common-sense changes and important reforms that will enhance and improve the operation of this important sector. We need to ensure that we have arrangements in place that enhance community confidence and give business and others certainty, and these important reforms before the house achieve just that. On that basis I commend the bill to all honourable members.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

MEMBERS OF PARLIAMENT (STANDARDS) BILL

Second reading

Debate resumed from 25 March; motion of Mr BRUMBY (Premier).

Opposition amendments circulated by Mr CLARK (Box Hill) pursuant to standing orders.

Mr CLARK (Box Hill) — I disclose in accordance with section 3(d) of the Members of Parliament (Register of Interests) Act 1978 that by virtue of my position as a member of Parliament I have what may be considered to be a material interest in relation to this bill.

The Members of Parliament (Standards) Bill 2010 is a bill to set out a statement of values and introduce a new code of conduct and new disclosure requirements for MPs, replacing the Members of Parliament (Register of Interests) Act 1978.

The Liberal-Nationals coalition supports greater disclosure and a stronger code of conduct, and it will be moving a range of amendments in order to foil the attempt by the Labor Party to use this bill as cover to continue the abuses of office for which it has become notorious. Our amendments will also boost disclosure of a number of additional members interests relevant to accountability — interests which Labor has chosen to overlook.

A standout failing of this bill is the complete absence of any effective mechanism for investigation and enforcement of the code of conduct and disclosure standards created by the bill, or any other laws and standards that on paper should prevent government misuse of office. Our amendments will also be tackling this issue.

Australia and Victoria have been the beneficiaries of more than 300 years of struggle against corruption in Westminster jurisdictions, but corrupt tendencies have not been permanently excised. They need to be repressed continually by ongoing effort. The endemic modern form of corruption here in Victoria under the Bracks and Brumby governments has been and is misuse of elected office for partisan benefit. Abuses have included politically motivated government advertising, partisan appointments to government offices, the appointment of former ministerial advisers to senior positions in the public service and statutory authorities, politicisation of other public service appointments, improper access to and use of confidential information, favouritism and blackballing

in the awarding of contracts and tenders, and the extensive use of public service staff to run politically motivated media campaigns.

Abuses have also included a lack of transparency in land rezoning and other planning decisions, the suppression and manipulation of information, the systematic cessation of publication of data adverse to the government, repeated breaches of freedom of information law, repeated refusals to provide documents to parliamentary committees, a deals for donations culture and the channelling of government grants to organisations associated with political supporters.

Numerous witnesses who appeared before the Law Reform Committee during its review of the Members of Parliament (Register of Interests) Act gave evidence that far-reaching institutional reform is needed to tackle corruption, but that evidence was sidelined in the majority report. In the absence of an independent broadbased anticorruption commission in Victoria with jurisdiction extending to members of Parliament and ministers, if no other mechanisms for independent investigation are included in this bill, the bill will be completely ineffectual in holding most Labor ministers and government MPs to account.

Under the bill the only way anything can be done about misconduct or non-disclosure by a Labor MP or minister in the Assembly is if the Assembly votes for an investigation to take place. However, the Labor Party has shown by its conduct to date that it is prepared to use its numbers in this house simply to block any such investigation, even when a Labor Speaker has found that a prima facie case of breach of privilege exists. Thus, for investigating the conduct of Labor ministers or government MPs in the Assembly and dealing with any breaches, the bill as introduced is little more than window-dressing. The coalition parties will therefore move amendments to give real teeth to the investigation and enforcement measures in the bill, but the amendments we are able to move are still far short of what is needed in Victoria, which will only be met by an independent broadbased anticorruption commission.

The bill arises from a report of the parliamentary Law Reform Committee (LRC) dated December 2009 and entitled Review of the Members of Parliament (Register of Interests) Act 1978. Much of the general context of public debate and concern over members' conduct and disclosure of interests is canvassed in the committee's report. On a cursory examination the bill before the Parliament looks as if it adheres quite closely to the LRC's recommendations. However, a closer examination shows a number of crucial departures, most of which are designed to allow Labor ministers and other MPs to continue various rorts, misuse of office and non-disclosure.

The bill is probably the worst written bill of any I have seen since being elected to Parliament in 1988 given the anomalies, inconsistencies and ambiguities it contains. It gives every sign that the Premier and the Attorney-General were so focused on protecting Labor's abuses of office and on seeking political advantage that they failed to give any proper attention to what the words they ordered to be included in the bill actually say or mean.

The government has taken the recommendations of the Law Reform Committee, which set out in broad layperson's terms what the committee sought to achieve, and apart from its own deliberate politically motivated departures has reproduced the LRC's recommendations almost verbatim in the bill. However, in their haste to seek politically motivated outcomes the Premier and the Attorney-General ignored the Law Reform Committee's repeated urgings that its recommendations be subject to further consultation in the form of a public exposure draft of a bill.

We can accept these flaws insofar as they only create needless or pointless paperwork for members of Parliament. But when these flaws go to the heart of the operations of the democratic system here in Victoria or trash the standing and proper protection of innocent third parties, those flaws need to be fixed.

I want to place on the record my thanks to those groups that have provided helpful feedback to the coalition on the bill, including the Accountability Round Table, Transparency International Australia, the Victorian privacy commissioner and the Kew Cottages Coalition.

Let me briefly outline the bill's main provisions. The bill sets out seven values which members should demonstrate in carrying out their public duties. It sets out duties of members which form part of a code of conduct that members must observe. New obligations in the code include exercising reasonable care and diligence in performing public duties; treating all persons with respect; avoiding actual and perceived conflicts of interest and declaring any such conflicts when speaking in Parliament or at a parliamentary committee; being fair, objective and courteous in dealings with the community and, without detracting from robust public debate, colleagues; and respecting the confidentiality of information received in the course of a member's duties.

The bill requires a member to lodge a primary return within 30 days of first taking the oath or affirmation and an ordinary return within 30 days after 30 June each year. The bill requires ordinary returns to contain specified information in respect of the period between the date of their last return and 30 June including: the source of any income over $2000 and the name and address of the payer and a description of any services provided by the member; where the member or a private superannuation fund held a benefit over $2000 in a corporation, partnership or other body, the name of the body, a description of the interest including the number of shares held and, except for a listed corporation, the address of the body and a description of its objects or activities; and where the member held a beneficial interest in land, if the land is used as a primary or secondary residence by any person, the location by suburb or town or nearest town, and in other cases the address or a description of the location.

A member is also required to give a description of any gift received by the member worth more than $500 not including a political donation or a gift from a family member, including the name and address of the donor, and details of any travel undertaken by the member outside Victoria that was funded by another person other than the state or any member of the member's family. Where the member held office in a corporation, partnership or other body, the member must provide the name of the body, and, except for a listed corporation, the address of the body and a description of its objects or activities.

The bill also requires disclosure of a description of any personal debt over $2000 held by a member, including the name of the creditor; a description of any trust and its activities under which a member held a beneficial interest over $2000 or in respect of which the member was a trustee and a member of the member's family held a beneficial interest over $2000 and similar information to that is required of a member about income investments, land-holdings and other gifts of the trust, and also any other substantial interest held or received by the trust of which the member was aware or ought to have been aware and that would raise or would reasonably be seen to raise a material conflict of interest for the member. The bill provides that these requirements do not apply to a blind trust, but the member must provide the name and address of the person who manages the trust.

The bill requires disclosure of the name of an estate of which the member was appointed executor and held a beneficial interest over $2000, and a description of that interest. The name of any other organisation of which the member was a member or with which the member was associated if a conflict of interest could arise or reasonably seen to arise; and a description of any other interest where a conflict could arise or reasonably be seen to arise.

The bill provides that if there is a material change to any required information after a return has been lodged, the member must submit a description to the Clerk in the prescribed form as soon as is practicable. The bill provides for consumer price index adjustment of the monetary threshold amounts; it requires the Clerk to establish and maintain a register of interests; and it requires the Clerk to report a member to the presiding officer if the member does not submit a return within the required period or within a further reasonable period allowed by the Clerk, or if the Clerk reasonably believes the member has submitted an inaccurate return and the Clerk has given the member a reasonable opportunity to correct the return.

The bill requires the Clerk to lay each return before each house as soon as practicable after receiving it. It provides that any wilful contravention of a requirement regarding the code of conduct or disclosure is a contempt of Parliament. In addition to any other punishment, a fine of up to 35 penalty units may be imposed, and if any fine is not paid within the time the house requires, the member's seat becomes vacant.

In assessing the bill I will deal first with those areas where the coalition will seek to move amendments in this house to strengthen the bill. I will then deal with the remaining issues. The opposition provided its proposed amendments at a briefing to the government last night in order to facilitate the amendments being addressed during a consideration-in-detail stage today.

The Premier told the *Stateline* program last Friday that the bill 'is a tough new act of Parliament which would set higher standards for MPs and higher standards for ministers'. The bill comprehensively fails that description. For a start, it is not clear to what extent, if any, the obligations of members extend to members in their capacities as ministers or parliamentary secretaries in instances where that is not expressly stated. We intend to move an amendment to put that beyond doubt. The bill does not tackle abuses of office which amount to political corruption, such as government political advertising, and again we intend to move an amendment to deal with that.

Furthermore, under our amendments members of the public as well as other MPs will have the right to make complaints about misconduct by ministers and MPs to the Ombudsman via the Speaker or President, and the Ombudsman will report to Parliament if the

Ombudsman considers a minister or an MP has a case to answer. The bill as brought to the house does not pick up on the restrictions on post-Parliament activities recommended by the Law Reform Committee. Our amendments will insert a provision on this subject based on the Rudd federal government's Standards of Ministerial Ethics of December 2007.

The bill also fails to require any disclosure of hospitality that is received in an official capacity — in other words, as or on behalf of a member or minister. This means that official junkets or lavish hospitality — whether taxpayer funded or funded by others — that are given within Victoria to ministers or other MPs are excluded from disclosure, and we have well-publicised instances in the past of ministers receiving taxpayer-funded hospitality at government ski lodges. Our amendments will require disclosure of hospitality received in an official capacity where it exceeds $500.

Another area that is not covered by the bill is state-funded overseas travel, the abuse of which is a constant source of public concern. If overseas travel is appropriate, there is no objection to it. However, it should be disclosed, and disclosed in a timely manner. We will put forward amendments to make it clear that overseas travel needs to be disclosed when it is funded by the state, and also that travel is a material change of which details need to be disclosed within 30 days.

The bill omits the requirement in the current act that members should disclose memberships of trade unions and professional associations. We believe that, just as many other factors should automatically be disclosed, so should memberships of trade unions, professional associations and other political bodies be disclosed automatically rather than at the discretion of the member.

The bill does not require disclosure of the value of residential investment properties, and once one accepts, as the bill does, that the quantum of investments — not simply their existence — is relevant to be disclosed, as the bill does in relation to shareholding interests, by parity of reasoning it follows that disclosure of property investment value should also be required.

The bill does not require that the register be updated with information submitted by members regarding material changes, nor does it require information about material changes to be tabled in the Parliament. We will move an amendment to make clear that that is required.

Other amendments that we will move will make clear that members must not use their position to improperly obstruct the operations of Parliament — in other words, not to act to infringe the privileges of either house of Parliament. Our amendments will also require disclosure of ongoing arrangements as to how a member will vote or decide on issues. In a political party-based parliamentary democracy such as ours it is perfectly appropriate and expected that members will vote in accordance with the decisions of their parties. That is what is expected by constituents who vote for a member on a party basis, but ultimately the member remains accountable for the way they cast their vote. The public is entitled to know the basis on which a member has entered into any ongoing agreements or arrangements as to how they will cast their vote. Certainly on our side of the house we have no objection to disclosing those of our party rules that govern voting because we are proud of the rules that give freedom to us as individual members of Parliament to cast votes. But all members should make similar disclosure, and similarly they should make disclosure of any other ongoing agreements by which they are bound, such as factional rules that bind them when they go into their party room or caucus and cast a vote there. This is a vital component of the public being fully informed about the interests under which members operate in carrying out their duties as members of Parliament.

We will also move an amendment to make clear that there must be disclosure of government and parliamentary positions in which immediate family members of MPs are employed, and also disclosure of staff on the government payroll who perform work for an MP, other than ministerial staff who carry out work for a parliamentary secretary or minister in that capacity.

As I have stated, we will move to require disclosure of details of official travel outside Australia funded by the state, including the amount of that funding. We will also move an amendment to require disclosure of the suburb or town of a member's principal place of residence, which is something that is of considerable interest to many constituents. Members should openly declare what their principal place of residence is.

I now want to deal with some other areas of the bill that cause concern and in respect of which a response needs to be sought from the government. The first of those is clause 8 of the bill, which also relates to disclosure to the house of conflicts of interest during debate. The bill appears to extend dramatically the circumstances in which an MP is not permitted to vote on a matter before the house.

The current 1978 act contains no restriction on voting. By contrast, the bill requires that members must avoid actual and perceived conflicts of interest. For members

to avoid actual or perceived conflicts of interest appears to require them not to vote on any matter where voting would give rise to an actual or perceived conflict of interest. By comparison, the current standing order 170 of the Legislative Assembly prohibits voting in the case of a direct pecuniary interest. Standing order 17.07 of the Legislative Council provides a restriction on voting in somewhat different terms. However, all of that standing order is subject to an across-the-board exception in relation to any matter of state policy, which would seem to render the Legislative Council's prohibition inoperative for large numbers of matters.

Under the bill the only limitation on the apparent prohibition on voting is if the member or a prescribed person is affected as a member of the public or a section of the public.

On the Attorney-General's logic displayed recently, under the bill numerous members in both houses are likely to be disqualified from voting on, for example, a matter concerning the urban growth boundary, if they have any interest in any premises anywhere near that growth boundary. Therefore the bill makes the results of votes on legislation in the Parliament dependent on both facts and allegations regarding whether members have an actual or perceived conflict of interest. The potential effects of that are particularly obvious in the Legislative Council, given the narrow margin in the numbers there. However, this may also operate, for example, to deprive the government of an absolute or statutory majority in the Legislative Assembly on many occasions — in other words it seems this will have the effect of turning the outcome of issues before this Parliament into a legislative lottery. I must presume that that is not what was intended by the government, so this issue needs to be addressed.

If the bill goes forward in its current form, it may lead to protracted investigations, allegations and disputes about which MPs are disqualified on which bills and on other matters. It appears that a member has a conflict of interest if a bill or other matter benefits a company in which the member has any direct shareholding whatsoever, even one share, other than if the company is benefited only as a 'member of the public or section of the public'.

Arguably members will also infringe clause 8 of the bill if they vote in their party room or caucus on a matter where they have an actual or perceived conflict of interest. That interpretation is reinforced by clause 8(2) of the bill, which makes it clear that conflicts may arise from a wide range of matters other than voting in the Parliament. This may require parties to keep internal voting records sufficient to protect a member should an allegation of improper voting in a party room or caucus be raised. Members may need to consider the potential for actual or perceived conflict of interest before taking part in any party room or caucus vote. Our amendment in relation to disclosing those rules may assist members in determining their position in relation to that issue.

The bill also provides that a conflict of interest is created by anything that furthers the private interest of a prescribed person. A 'prescribed person' includes the member's political party, any listed or other company in which the member holds even a single share, as I referred to earlier, a landlord or tenant of the member at times when rent is owed and anyone other than a family member who, so it appears, has at any time given a gift worth more than $500 to the member. Thus the potential circumstances in which an actual or perceived conflict of interest may arise are broad.

Conflicts of interest under the bill can exist whether or not a member knows about them, which may mean the member has a duty to make reasonable inquiries of prescribed persons to find out if the private interests of the prescribed persons are affected by any matter which the MP might vote on or be involved with. Furthermore the actual definition of 'family members' is unclear. For example, are in-laws, foster children or a partner's adult children by a previous marriage included in the definition of 'family'? All of that is relevant to the question of what constitutes a conflict of interest that may prevent a member from voting.

There is a further related issue in relation to declaring conflicts of interest as required under clause 8(1)(b) of the bill. The bill requires members to declare conflicts of interest whenever they speak in Parliament or in a committee, even if the conflict arises from a matter included in their return of interests. By contrast the current act simply requires full disclosure to the Parliament.

Given the breadth of meaning of the term 'actual or perceived conflict of interest', it seems to me that if the bill proceeds in its current form, it would be prudent for members to preface just about every opening remark they make on an issue in the Parliament or a committee with a disclaimer along the lines of 'I declare any conflict of interest arising from matters in my latest ordinary return'. That is going to become very tedious indeed. Even that disclaimer would not protect members from allegations when matters not in their return create an actual or perceived conflict of interest. In fact the member is required to declare an actual or perceived conflict of interest even if they are not aware of those interests and could not reasonably be aware of those conflicts as far as the literal wording of the bill is

concerned, although they would not be liable for punishment unless the breach were wilful.

Given these flaws it seems this clause of the bill needs substantial amendment. Rather than moving amendments in the Assembly, the coalition parties are raising these issues during the second-reading debate and seeking the government's response.

The next issue to which I wish to refer is the legal liability of members of Parliament. The bill appears to create statutory duties which will be imposed on MPs and which will allow MPs to be sued by those particular members of the community to whom the duty is owed if the duty is breached. This provision in the bill has its origin in amendments made to the Local Government Act in 2003 by the Local Government (Democratic Reform) Bill. As far as I am aware, no other Parliament in the Westminster system has imposed on MPs the statutory duty of exercising reasonable care and diligence which the bill imposes.

In moving the second reading of the 2003 bill, John Thwaites, the then Minister for Environment, said:

> This bill proposes to include certain rules of conduct for councillors and members of council committees. These rules have always been implicit requirements of people in public office, and it is desirable that they be made explicit.

However, it is not clear whether the minister's statement was accurate or, in relation to this bill, what the position of MPs will be in relation to being sued for breach of the duty of reasonable care and diligence or indeed any other statutory duty created by part 3. For example, would MPs be liable to be sued by constituents who suffered loss because the MP failed to exercise reasonable care and diligence in acting on their behalf? Does that apply only where the MP has agreed to act and then fails to do so, such as in making representations to government or trying to resolve problems relating to concessions, public housing or other matters? Or does it go further and create a positive duty for MPs to provide the sort of assistance that MPs commonly provide to any constituent who seeks that assistance?

Going even further, does it render an MP liable to be sued for failing to lobby or advocate vigorously enough for a new facility on behalf of his or her electorate? I am inclined to think the latter two instances I have given are not covered by the bill. However, the situation in relation to the first of those is unclear, and the government and the Premier need to make clear to the community what their intentions and expectations are in that regard.

Similarly, the Premier needs to make clear the circumstances in which he believes the bill enables ministers to be sued for failing to exercise reasonable care and diligence in the performance of their ministerial duties. For example, if the Minister for Planning fails to properly read a briefing paper provided by the department and makes a decision based on irrelevant considerations which is subsequently set aside by the courts, can the land-holders or others affected by the decision sue the minister for compensation? Whatever the answers to these questions are, these provisions of the bill take all members of Parliament into a bold new world, giving them statutory duties in some respects akin to those of a company director, a doctor, an accountant or other profession.

A number of members on this side of the house have had previous experience of working in an occupation where they have put their family home and other assets on the line every day of their working life, but for other members of this house it will be a new and perhaps disconcerting experience. Unfortunately it also creates a real risk of politically motivated litigation against MPs. The moment an opposition MP is sued by someone funded by the Attorney-General's pro bono legal aid scheme will be the day this state goes down the path of the misuse of legal proceedings to persecute political opponents, which is an unfortunate characteristic of some of the emerging democracies to our north.

A further point is that, unlike the case of councillors where the council is required to take out indemnity insurance on their behalf, there is no provision for Parliament to take out indemnity insurance for MPs, which means that the compensation a constituent will be able to obtain will depend on how wealthy their MP is or whether their MP has personally taken out indemnity insurance. This inequity for constituents is a matter that the government may also need to address.

There are a huge range of other issues raised by the bill, which time will not permit me to address in full. I cite as one example the protection of the privacy of third parties. It appears that the names and addresses of tenants in properties owned by MPs will need to be made public, which could have horrific consequences for tenants who were trying to keep their identities from being disclosed. That will occur whenever the rental income exceeds $2000.

It is also unclear how members of the community will be able to access the returns tabled in Parliament. There are also issues relating to online access that need to be sorted out, balancing confidentiality against the public's right to know and many other issues. However, the bill

will not stop corruption and abuse of office by Labor unless Victoria introduces an independent broadbased anticorruption commission.

Despite the bill being riddled with flaws and anomalies, we will not oppose it but will move amendments to boost accountability, strengthen disclosure and provide independent examination of abuse allegations. In short, the coalition parties will move to turn Labor's bill, which can be best described as a movie set bill — a grand facade on one side and nothing but formwork on the other — into a standards bill that truly sets and upholds standards of conduct — —

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

Mr LUPTON (Prahran) — I rise to support the Members of Parliament (Standards) Bill 2010 and commend it before the Parliament as extremely good legislation. It is an update of the groundbreaking legislation passed by this Parliament in 1978, the Members of Parliament (Register of Interests) Act. This legislation updates and modernises the 1978 legislation, making it applicable in the contemporary way of life of our community and members of Parliament. It does so in a number of ways.

This legislation is based on an overarching principle — that is, that members of Parliament have an obligation to avoid conflicts of interest. It provides legislative guidelines to appropriately manage conflicts of interest where they arise. The bill also provides that where conflicts of interest could potentially arise through interests held by members of Parliament those interests should be declared appropriately on a register.

The concepts of a code of conduct and of a register of interests originated in the 1978 act. Over the course of the decades since then we have seen many changes in the nature of society, work practices and duties and obligations. It is appropriate at this time to ensure that the nature of the code and the way it is set out is modern and appropriate to today's environment and to the developing environment in years to come and also that the register reflects modern reality. The legislation builds on the good work done by this Parliament's Law Reform Committee.

The bill is set out in three parts. The first part is a statement of values; it is an aspirational statement that sets out a range of values that all of us, as members of Parliament, and people across the community broadly would expect and support. They are that members of Parliament serve the public interest, uphold democracy, show integrity and accountability in their activities, respect the diversity of views and backgrounds within the Victorian community and show diligence and leadership in carrying out their public duties.

The guidelines for members of Parliament about how to carry out our work in accordance with that statement of values — the way in which aspirational values are to be followed — are contained within the second part of the bill, which is the code of conduct.

The current 1978 act contains a relatively brief code of conduct that largely focuses on potential conflicts of interest between members' public duties and their private interests. In its review of the legislation, the Law Reform Committee noted that the current code is not performing as well as it could. In particular the committee noted that the code is difficult to interpret and rather narrow and that its impact has in some respects been limited because of its narrowness and the difficulty of interpreting some of its provisions after many years. The revised code articulates more specific standards and sets out broad principles to guide and assist members in carrying out their duties. In particular, the provisions of the revised code deal with upholding democracy, respecting others and knowing how to avoid and deal with actual or perceived conflicts of interest.

The bill contains a number of provisions relating to conflicts of interest and how they should be avoided or dealt with. It is important to bear in mind that the overarching principle that guides all other aspects of this legislation is that members must avoid actual or perceived conflicts of interest and declare any actual or perceived conflicts of interest when speaking in parliamentary proceedings, including the proceedings of parliamentary committees. It is to give effect to that overarching principle that the rest of the provisions of the legislation follow.

There are sections of the bill about how members must not use their position for profit and about how if a member engages in any form of outside employment or community activity it must not involve any actual or perceived conflict of interest. The bill details the ways in which members of Parliament need to manage gifts of hospitality and other benefits, appropriately use public resources, personally conduct themselves in dealing with each other and members of the public and, importantly, manage confidential and personal information. The legislation sets out that members must not use confidential information gained in the performance of their public duties to further their private interests or the private interests of a prescribed person.

The third element of the legislation is the register of interests. It is, of course, a public document which sets out all the elements that members of Parliament could receive benefit from — be it income, investments such as shares, interests in land or other similar matters. It is important that there be a document accessible to the public which sets out the interests held by members of Parliament so that it is apparent where members of Parliament may have a conflict of interest in matters that come before them in Parliament or through their parliamentary duties.

The way in which income, land-holdings, gifts, hospitality and things of that nature are dealt with is that matters above a certain threshold need to be detailed. This refers to matters other than those of official hospitality that members of Parliament receive as a normal part of their official duties, because they do not involve a conflict of interest. It is where matters arise outside the normal duties of a member of Parliament in that sense that a potential conflict may arise.

There is a distinction about shares where the number of shares held by a person is sought to be disclosed on the register. The reason for that is simple: there is no way of knowing how much of an interest somebody has in a company other than by knowing how many shares they have. A person can have one share in a company and that would not realistically amount to a very significant issue, but if they have a significant number of shares it may well involve a potential conflict of interest. That is important.

However where, for instance, somebody has an interest in land it is not really the value of the land but where the land is located which is the issue that raises the potential conflict of interest, and that is why in this bill we do not seek to disclose the value of the land — which of course can change from time to time — but to disclose where the land is located. That is the issue which is a potential conflict of interest and one that needs to be disclosed.

A number of amendments were put forward at the very last minute by the opposition. The amendments are complex, obscure, irrelevant and counterproductive. They show a lack of understanding and a certain amount of confusion about the nature of the bill and what it seeks to do, and in many respects they are misguided; however we will no doubt in the fullness of time have a good look at those amendments and subject them to serious scrutiny to see what we make of them.

Typically, the opposition says that on the one hand the bill does not go far enough — and seemingly the only ways it does not go far enough relate to ministers — but on the other hand, where it potentially relates to members of the opposition it goes too far, so we see some interesting legislative gymnastics being played out by the opposition. Having said that, we support the bill — it is good legislation.

Mrs POWELL (Shepparton) — I am pleased to make a contribution to the debate on the Members of Parliament (Standards) Bill, and before I proceed I wish to disclose, in accordance with section 3 (1)(d) of the Members of Parliament (Register of Interests Act) 1978, that by virtue of my position as a member of Parliament I have what may be considered to be a material interest in relation to this bill.

The purpose of the bill is to promote public trust and confidence in members of Parliament in Victoria. The bill says it will do that by establishing a statement of values for members, setting out a code of conduct, establishing a register of interests for members and repealing the Members of Parliament (Register of Interests) Act 1978.

The coalition is not opposing the legislation but I will be supporting the amendments moved by the member for Box Hill, which I believe will increase accountability and transparency and make the bill a better one. I would also expect the Labor members of Parliament to vote for these amendments if they truly want to see the bill do what it says it will do, which is to increase the accountability of members of Parliament. I congratulate the member for Box Hill for the huge scrutiny of the legislation he has undertaken in order to formulate these amendments.

The values for members of Parliament are provided for in this bill, and they are: serving the public interest, upholding democracy, integrity, accountability, respect for the diversity of views and backgrounds within the Victorian community, diligence and leadership. It is a shame that we have to legislate for those values. I would have hoped that every member of Parliament in this place had those values and that that is why they were voted in by the community. It is a sad day when we have to legislate for these sorts of values.

We also have a code of conduct which provides the community with information on what to expect of its elected representatives. Again, I would hope the community has very high expectations of its members of Parliament, on all sides of politics. There is some guidance in the legislation which says that members of Parliament are expected to make the performance of their public duties their prime responsibility. They are expected to treat all persons with respect and to have due regard for their opinions, beliefs, rights and

responsibilities. The government has said that this is a new rule which accords with the importance this government has placed on respect for human rights in this community.

Under this bill the member for Melton may have contravened this very act, as it is proposed. An article by David Rood in the *Age* of 23 March this year under the heading ' "I was scared": Labor MP accused of tirade' states:

> A state Labor MP has been accused of bullying and threatening a member of the public after an expletive-laden outburst at a parliamentary committee hearing.
>
> Community activist Maria Riedl has written to the Speaker of state Parliament, Jenny Lindell, asking for an investigation into the allegations against the member for Melton, Don Nardella.

It goes on to say:

> 'His behaviour was unacceptable; it was rude and it was intimidating, and I believe that he was about to continue to not only verbally abuse me, but I felt he was about to physically threaten me', Ms Riedl wrote about the 2 March hearing.
>
> 'I had to leave because I was scared'.

If those allegations are true, I believe all members of Parliament would believe that is not the type of behaviour we would expect a Victorian member of Parliament to display.

In the conflict of interest provisions in the bill members of Parliament are told they should disclose any interests which will benefit them, and they already do so in their register of interest; but the public needs to have confidence that its members of Parliament are representing the community's best interests, not the best interests of the member of Parliament. A member of Parliament must avoid actual and perceived conflicts of interest.

However, this sometimes can get confusing, and I hope the government learns from the complexity and confusion that occurred when the conflict of interest provisions were established for local government councillors. As I travel around the state talking to councils I find it is one of the biggest issues they raise with me — not the fact that they want to avoid conflict of interest, but the fact that they do not know now whether they have a conflict of interest because the provisions are so complex and confusing.

One of the issues they raise with me is the particular confusion around the conflict of interest issues of family members' interests. The description of 'family members' in the Local Government Act is fairly wide and captures many people. In this bill 'family members' means 'a prescribed person' who, for example, could be a spouse, a domestic partner, a child, a grandchild, a parent, a grandparent or any other person reasonably considered to be a member of the member's family.

The scope of that portion of the bill is quite widespread. When you consider the person, one of the concerns is: how do you deal with estranged members of the family?

Mr Nardella — It's not Riedl; it's Damian Drum!

Honourable members interjecting.

Mrs POWELL — I will ignore the interjections from the member for Melton, who is being quite rude and disrespectful.

The ACTING SPEAKER (**Ms Munt**) — Order! The interjections from the member for Melton will cease, and the level of interjection from both sides of the house is not helpful to the member for Shepparton in her contribution.

Mrs POWELL — Thank you, Acting Speaker. The concern that the councillors had with that provision in the Local Government Act would almost translate to the concerns that we could have with members of Parliament. One of the issues is how you deal with estranged members of the family, which could mean a husband and wife who are now separated but not divorced and are living in separate homes, or it could mean a son or daughter who is no longer in communication with the member of Parliament. We would hope that those sorts of situations will not happen, but if they do happen — and this is an issue that has been raised with me by councillors because of that provision — how could you possibly know what boards or committees that estranged person is on or what interests he or she has if you are no longer talking to them or in communication with them? You might say the information is not needed, but under this legislation omission could actually be unlawful. You may have raised an issue in Parliament and people could go through *Hansard* and find out what that contribution was. It could become an issue of huge concern, and I would urge the government to have a look at how it is going to deal with perceived conflicts of interest where the person is estranged from the member of Parliament and the member of Parliament could not possibly know what the interests of that person are or may not want to know what the interests of that person are.

The other issue of concern is the disclosure of the names of tenants of rental properties belonging to

members of Parliament. That is not just a concern for the member of Parliament, it is a concern for the person living there; it is an invasion of their privacy. In no other jurisdiction are members asked to make the names of those people available. I am not sure how publicly available those names are meant to be, but if people wish to find that information, they will be able to. That could be a concern for people who live in rental homes owned by members of Parliament on either side of politics.

I have not got time to go through all the amendments put forward by the member for Box Hill, but among the ones that I think have got absolute merit — as well as all the others that have merit — is the disclosure of values of investment properties which do not include the primary or secondary place of residence. They would be valued at capital improved value from the last municipal valuations. Why not include that? Shares owned by members of Parliament are included, so the disclosure of assets is already about a value. If we are looking at shares and superannuation portfolios, why not also look at properties that are owned as an asset? In regard to the amendment for disclosure of the suburb or town of the member's principal place of residence, I think it is important for a constituent to know that a member of Parliament actually lives in the electorate or where in fact they actually live and whether there is a connection between where they actually live and the electorate they represent.

The member for Box Hill has brought forward a number of amendments that will improve the enforcement procedures and transparency of this bill. There was a minority report by three of the non-government members of the Law Reform Committee, who called for the establishment of an independent anticorruption commission in Victoria with broad powers of investigation that would extend to ministers and other members of Parliament. It is a seven-member committee, and obviously the government members voted against the proposal and used their numbers to have that rejected.

While the opposition is not opposing this legislation, I would hope that we all adhere to the principles that are set out in the bill — the values, the code of conduct, the integrity and the ethical standards of a member of Parliament — but not because of this bill. I say again that the opposition is not opposing this bill, but members of the opposition hope the government will support the amendments put forward by the member for Box Hill.

Mr DONNELLAN (Narre Warren North) — I rise today to make a short contribution on the Members of Parliament (Standards) Bill 2010. There was a question in relation to members having to identify who is paying them income on investment properties. Nine times out of 10 it would be a property manager that would be identified as paying income to the member of Parliament. The member would list their property manager.

Honourable members interjecting.

Mr DONNELLAN — If the member for Parliament is actually collecting the rent themselves, then I suspect that they could possibly be collecting cash and not declaring it. At the end of the day it would be the property manager. I did not realise that most members of Parliament act as their own property managers. I have never seen such carrying on in my life. Seriously, opposition members are a pack of absolute whackers. Absolute whackers!

Honourable members interjecting.

Mr DONNELLAN — What is the problem with declaring who is paying you an income? It is as if these guys have something to hide. I do not know what they have to hide, but this is a whole lot of rubbish.

Mr Kotsiras — What are you hiding?

Mr DONNELLAN — I am not hiding anything. I think it is important that you declare your sources of income. At the end of the day what we have is a pack of whackers on the other side saying they do not want to declare where their sources of income are coming from. I find it disgraceful and scandalous that members of the National and Liberal parties will not declare their sources of income. I am very happy to declare mine; those on the other side need to do the same.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Munt**) — Order! The level of interjection is too high. I ask members to let the member for Narre Warren North give his contribution.

Mr DONNELLAN — That was what I was thinking, Acting Speaker. I was just going to give a quiet contribution. I was just answering a question which had been raised a little bit earlier. With the shame, depth of feeling and level of anger on the other side, I reckon there has to be something to hide. I do not know. One minute opposition members are saying they are supporting the bill, the next minute all I hear is a whole lot of anger about certain areas of the bill that they do not want to go through. You are either supporting it or you are not; you cannot have an each-

way bet. You either want transparency, accountability and the whole lot — you want members of Parliament to have standards — or we can end up back in the days of a former Premier of Queensland, Joh Bjelke-Petersen. We know where Joh Bjelke-Petersen was from: he was a Nationals member.

That is why these types of provisions are absolutely necessary. Members of various political parties have abused processes and have abused their positions, so it is important that we set standards. That abuse has happened on all sides of politics; I am not pretending we are the puritans over on this side, and they are not over on the other side. There are members of Parliament from all sides who have abused their positions, and it is important that we have these standards. If that includes declaring their sources of income, then members should do so. They cannot get out of it by saying, 'We only want to declare a little bit; we do not want to declare other bits because there could be a potential conflict'.

Mr Kotsiras — Declare everything! Declare it!

Mr DONNELLAN — I am very happy to declare everything, and that is what we are doing here. This is everything, and I think it is important that we do it.

Honourable members interjecting.

Mr DONNELLAN — I did not realise we would open such a Pandora's box on the other side of the house. I am looking forward to seeing the declarations. Obviously there must be something that we are looking for, something suspect. If we have got the other side so furious and angry about this, we must be doing the right thing. I am very proud that this government has brought in a new statement of values for members, a new code of conduct — about which obviously we need to calm down the members on the other side, so they do not get too grumpy and furious and try to have a go at me — and a revised register of interests requiring a declaration of personal interest in relation to conflicts of interest with a member's public duties.

At the end of the day I was a member of the Law Reform Committee (LRC) and attended some of the meetings that looked at this issue, and that was important. The submissions generally supported what we have in the bill — 90 per cent of the submissions suggested that this is where we should go. I do not think we had a submission in relation to an independent commission against corruption apart from the minority report done by the Liberal Party, but there you go.

The Law Reform Committee found that the current code of conduct is outdated, narrow in its impact and limited in its lack of enforcement. It found that there was too much focus on potential conflicts of interest without any relation to the duty and private life of the member. We have introduced a new code and broadened it so that it includes: upholding democracy — in other words, members must prioritise their role as members of Parliament as opposed to taking on private matters and private work. It is important that they prioritise their role as members of Parliament. The code also covers respecting others, regardless of their background — in other words, treating people with respect and dignity. I think 99.9 per cent of members would do that most of the time. The code provides that members must avoid actual and perceived conflicts of interest, which is important and absolutely necessary. The code also provides that members should not use their position for profit; they should not use their allowances for profit. That is very important.

Members are here to serve the public, not to serve their own interests, and I think 99 per cent of members do the right thing. The code also covers outside employment activities. I have some concerns about that. Some members still have work going on outside Parliament, but I certainly do not. The code stipulates that members may engage in employment but avoid conflicts of interest. There is always potential for conflicts of interest if you have two full-time jobs, or even one full-time job and one part-time job. In such cases there will always be a conflict of interest as to where your energies are focused, and I would have thought they should all be focused here, but allowances are made in that regard. A minister is obviously not allowed to have outside employment.

The code goes on to cover the acceptance of gifts, hospitality and other benefits. Members cannot accept gifts which create a real or perceived conflict of interest, and that is very important. Members cannot use their influence to further their own interests; they cannot use public resources for those purposes — they must use all funds and public resources for legitimate purposes related to their role as members of Parliament. Members cannot bring discredit to the Parliament in their role as members of Parliament, and they must manage confidential and personal information and keep it private. That is a good summary of the code of conduct provisions in the bill.

The bill also contains a statement of values which is a little more broad. I think that is just more a statement of what we would like to see, which is members serving the public interest, upholding democracy and having integrity, accountability and respect for the diversity of views, which relates back to the code of conduct.

Members should act diligently and provide leadership in their own communities. That is important.

The bill contains a provision concerning the register of interests. It deals with all members' private interests with a value over a minimum threshold which may conflict with their duties. That includes a new definition of income which is pretty much based on commonwealth income tax legislation. There is a need for members to disclose each income source but not necessarily the value of that income source. Income sources below $2000 will not need to be declared. With respect to investments, members currently need to register the name or a description of the company, partnership, association or other body in which they hold a beneficial interest of over $500. This bill requires private superannuation interests to be included.

For investments with a value of over $2000 the bill requires members to provide more details, including the name of the body in which the beneficial interest is held and a description of the nature of the interest. If a shareholding is valued at over $2000, the number of shares held at the completion of the return will need to be disclosed. With respect to land, the current requirement is for a member to register the address or a description of the land in which they have a beneficial interest. This bill will require members who have a beneficial interest in land used as a primary or secondary place of residence and valued at over $2000 — which I imagine would be most bits of land unless it were very small — to disclose the suburb or town in which the land is located. Members who have a beneficial interest in land valued at over $2000 will also have to provide the street address or an identifying description.

The register of interests also covers gifts, and that always has the potential to get people into trouble. Currently a member has to declare any gifts valued at over $500 and to provide the name and address of the donor. Members do not have to declare gifts from family but will have to do so for gifts given by friends. Official hospitality provided to the member in the course of their duties will be exempt from this requirement.

Members will now have to declare significant contributions with respect to travel. I think this will make some difference. The bill will require the name and address of the donor and a description of travel undertaken outside Victoria, including dates, destinations and the purpose of travel. That will provide some interesting reading. As with gifts, only contributions over $500 will require declaration. Travel valued at over $500 given by friends must be included in the register but not travel given by family.

I only have a couple of seconds left, but I want to say that the Members of Parliament (Standards) Bill will provide accountability and transparency and is very important. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Members of Parliament (Standards) Bill. Before I commence I disclose in accordance with section 3(1)(d) of the Members of Parliament (Register of Interests) Act 1978 that by virtue of my position as a member of Parliament I have what may be considered to be a material interest in this bill.

This piece of legislation seeks to replace the 1978 act with a new act which will set out a statement of values, a new code of conduct and new disclosure requirements for members of Parliament. I was very interested to hear the contribution of the member for Narre Warren North, who has already left the building. It was a bit muddled, because he did not understand the process of rentals. However, putting that issue to one side, he talked about transparency and accountability. I just want to highlight what was said in the second-reading speech when this bill was introduced to the house. It states

> These new provisions will ensure the high standards of transparency and accountability that the public rightfully expect of their elected representatives are recognised in legislation.

It then goes on to say:

> The reforms will increase the accountability and transparency of parliamentarians, whilst maintaining an appropriate balance between suitable disclosure and privacy.

If the wont of this government is to improve accountability and transparency, then the very measured amendments that have been put forward by the member for Box Hill should be supported, as we seek to improve the legislation that has been introduced into the house.

In the time I have to speak I would firstly like to put on the record my thanks to the staff of the ministerial office for their assistance at the bill briefing. More specifically I would like to discuss the amendments that have been circulated by the member for Box Hill, who is seeking to improve this bill in a number of ways. I will be very interested to see the response of government members and to see whether they too will be supporting the opposition's important improvements to this bill.

The amendments seek to do a number of things. Firstly, they propose a ban on political advertising, because advertising is not being used appropriately and in accordance with the Auditor-General's September 2006 criteria for government advertising. I think everyone in this community would want to see governments using taxpayers money appropriately or, as was indicated in the second-reading speech, with accountability and transparency, ensuring that government advertising is undertaken in accordance with the criteria the Auditor-General established in 2006. I am sure the member for Melton will be supportive of that important provision being put into the bill.

In addition, there is a proposed amendment to prevent members of Parliament obstructing the operation of Parliament. As we speak we are seeing that being done by the Attorney-General. The community and I think it is very important that members of Parliament do not impinge on the way either house operates, as we are currently seeing happen with the inquiry into the Windsor Hotel redevelopment being conducted by an upper house committee. I am pleased to see that that amendment will be supported.

Requiring the disclosure of memberships of all political bodies, trade unions and professional associations promotes accountability and transparency. What are members opposite hiding? They should be supporting the retention of the provision which currently applies in the 1978 act. The Law Reform Committee's report called for that, but this government has sought its removal. I am pleased to see that those opposite will be supporting the bill, because they too support accountability and transparency, as was said during the second-reading speech, and I am pleased to see members opposite nodding their heads.

The opposition's amendment requiring the disclosure of ongoing arrangements governing how a member will vote or decide on issues in regard to caucus, parliamentary party rules or factional rules is important. Members of Parliament are elected to this house and are meant to be representing their communities, but they are beholden to their factional rulers. We will be very interested to see which factions members opposite line up in. Who is pulling the strings in the caucus room? Who is pulling the strings at the faction meetings?

Honourable members interjecting.

The ACTING SPEAKER (**Ms Munt**) — Order! The level of interjection from government members is too high. I ask them to allow the member for Ferntree Gully to make his contribution — —

Mr WAKELING — I am very pleased to see that we are promoting some debate on this.

The ACTING SPEAKER (**Ms Munt**) — Order! The member for Ferntree Gully will not interrupt the Acting Speaker.

Mr WAKELING — I apologise. As I said, all the government has said is that it wants accountability and transparency of parliamentarians; that is what it said it wanted in this piece of legislation. All we are doing is helping to facilitate that process so every Victorian will know when their local member sets off to Parliament every sitting week whether decisions are going to be made as a result of factional leaders and issues relating to caucus. We will just wait and see. We will be very interested to see the results in regards to that.

The opposition also proposes the disclosure of government and parliamentary positions in which immediate family members are employed. For the purposes of transparency and accountability, I am sure all Victorians would want to know whether immediate family members of government MPs are engaged by the Parliament or working in parliamentary positions.

The opposition also proposes a requirement for the disclosure of whether there are any staff on the government payroll — as opposed to electorate officers — working in the offices of members of Parliament. Clearly there will be such people working in ministerial offices or the offices of parliamentary secretaries. That is clearly acceptable in terms of the administration of government, but we want to know whether there are staff working in the offices of backbenchers and opposition members, staff who are engaged by the public service not as electorate officers but are in fact performing the work of electorate officers. It will be very interesting to see whether any of that is taking place in this state. As we know, that is very important for accountability and transparency reasons.

Mr Nardella — That is a nonsense.

Ms Thomson — An absolute nonsense.

Mr WAKELING — If you have nothing to complain about, then you will have nothing to hide, and therefore you will support the opposition's proposed amendment. It is about accountability and transparency. The member for Melton clearly supports those things, nodding as he is, and he too would recognise that this is a very important provision. I thank him for his support.

The opposition proposes that there be disclosure of the value of investment properties — properties other than

primary or secondary places of residence — based on the capital improved value at the last municipal valuation. Members of Parliament would be required to disclose interests in regard to shares, superannuation and also their properties and that information would be declared public under the very sound amendments circulated by the member for Box Hill. I am pleased again to hear and see support from those opposite for this very important provision.

The opposition proposes that there be disclosure of official travel outside Australia funded by the state. As we know, there is great consternation in the Victorian community about the travelling done by members of Parliament, so we want to ensure that there is a provision in the bill that talks about locations, the cost involved and the reason for travel, all of the issues about which the Victorian community rightly asks questions. That information will now be declared public, and members of Parliament will be required to declare this information within 30 days as part of their return to the register of interests.

There is much more here than I can go through in the time allocated to me. The opposition proposes to require disclosure of the suburb or town where the member's principal place of residence is located. It will be interesting to see where government members actually live. Residents will be very interested to see where their local members of Parliament reside. Residents of the western suburbs would be very interested to know that they have a member of Parliament representing them who lives in Black Rock — the bastion of the western suburbs is apparently Black Rock.

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

Sitting suspended 1.01 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Minister for Police and Emergency Services: Black Saturday

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the fact that in the days prior to Black Saturday the Premier and many others warned publicly of the worst conditions in Victoria's history, and I ask: given that the minister is coordinator-in-chief of emergency management, why was the minister not at the emergency control centre throughout the day on Saturday, 7 February, last year?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. Speaker, in the lead-up to Black Saturday you will be aware that fire chiefs, the Premier, the government — a whole range of people — warned that that day had the potential to be an extremely bad day because of what the weather conditions were going to be. As a consequence of that, as my job is to make sure there is continuous emergency management, in the lead-up to that, on the Thursday evening, I met with the heads of the agencies to make sure they were ready and to get assurances from them that they were.

When you have an emergency incident the operational response is done by operational people, by emergency services personnel. However, as is longstanding practice, if the minister is required, the emergency services commissioner, who kept me informed entirely throughout the day, will get me to come down, and that is exactly what he did. The reason that was that we had to make sure there was going to be continuous emergency management. I want you to think, Speaker, about the situation that was unfolding. What was going to happen was that that night we were going to be confronted with the fire and the aftermath of the fire, so the commissioner asked me to come down.

What I had to do was make sure that we were going to have continuous emergency management in the areas where fire had been. Preparations had to be put in place that night and the next day to determine precisely, as best we possibly could as a government and as agencies, exactly what losses there were in terms of human life, in terms of sacrifice, in terms of private property and in terms of public property.

What we did was put all those arrangements in place so that by the middle of the next day, when there would be a meeting of a security and emergencies committee of cabinet, we would be in the best possible position to be able to respond to the requests that were being made. That is what I did. I acted beforehand, and when I was required I went down to make sure that we had that continuous emergency management. One of the things I also did that night was speak to the opposition and The Nationals to make sure that they were also informed.

Water: Wimmera–Mallee pipeline

Mr HOWARD (Ballarat East) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a

family, and I ask: can the Premier update the house on the completion of Australia's largest water infrastructure project, the Wimmera–Mallee pipeline?

Mr BRUMBY (Premier) — I thank the member for Ballarat East for his question.

Dr Napthine — Are you going to thank John Howard?

Mr BRUMBY — Geoff Howard does a great job, thanks, Denis.

I was joined today by the Minister for Water; the Minister for Agriculture; local members of Parliament, including of course the member for Lowan, who is also a great supporter of this project; Senator Jacinta Collins, representing the Prime Minister and the federal government; the federal member for Mallee, John Forrest; and many other members of Parliament.

I did not count all the people who were there, but I guess the best part of 750 to 1000 people had come from throughout the region for what was and is, as one of the speakers said today, as big a day forward for the region as was the turning on of electricity almost 100 years ago. This is a great project; it is a fantastic project. Today I was able to thank all the community leaders, the individuals and the councils — all of those who have had a dream for so many decades to see this project completed.

It is worth taking a look at the history of this project: you can go right back to the Hopetoun Country Women's Association, which in 1945 proposed that we begin a piping of this system. However, it took until this decade, until the budget of 2002–03, when this government approved $77 million, for work to commence on what the member for Ballarat East has rightly described as the biggest water-saving infrastructure project in Australia's history.

The good news is that this is a great project for the Wimmera Mallee, great for the economy, great for livability, great for lifestyle, great for tourism and great for the environment. Today we went out on the Wimmera River and released 8800 golden perch fingerlings; I know they will live happily ever after until they are about so big and then someone will catch them! We were joined on the river by members of the Horsham Rowing Club. One of the great things about the turning on of the pipeline is that it has meant, for example, that we are seeing the return of the Dimboola rowing regatta to the Wimmera.

As I have said, over the years there have been many people who have got behind this campaign. I refer to a supplement produced by the *Wimmera Mail-Times*, which says it all — and by the way the *Wimmera Mail-Times* is a great regional newspaper. This supplement says 'Signed, sealed and delivered', and that is what has happened. Today we brought down the flag that said 'Piping it' and replaced it with a flag that said 'Piped it'. The project is now complete.

The Minister for Water would not want me to forget to say that this project has been completed almost six years ahead of schedule. As a result, farmers in the region have their full water entitlements and almost 34 of the towns in the region are down to stage 1 water restrictions. I heard of one farmer who had been thinking of leaving the land but who now, because of the water security, said that he and his family could go away for holidays in January. Talking about the quality of the water coming through the pipes, he said, 'The quality of the water is just so good and so pure for the sheep. When they drink the water they think they are drinking champagne!'. This is a great project. It is a beautiful drop.

Honourable members interjecting.

The SPEAKER — Order! I ask members to come to order, and I suggest to the Premier that he conclude his answer.

Mr BRUMBY — It is a beautiful drop; it is called Wimmera–Mallee sparkling, and it is very good. It is a great partnership project. I remarked today that I think we in Victoria do partnerships better than anyone anywhere else in Australia. This is a transformational project. This will secure the prosperity, the livability and the sustainability of this region for decades. As I said today, it is a partnership with the federal government, and I acknowledge — —

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the members for South-West Coast and Warrandyte and the Minister for Health.

Mr BRUMBY — It is a pity the member was not there today. There were lots of members from The Nationals but not many from the Liberal Party.

The SPEAKER — Order! I ask the Premier to conclude his answer.

Mr BRUMBY — It is a great partnership project. It is a great partnership between our government, the federal government and, I must say, the former federal government. It is also a great partnership with members of the local community, who have worked for years and

years — for decades — to see this project come to fruition. I am delighted with the commitment we have made of $266 million. This project means 83 billion litres of water savings is available now for the environment, for livability and for sustainability. There is 20 billion litres available for new economic growth. It is a great project; it is one which makes me proud and one which I hope makes every member of this house proud about this achievement delivered this decade.

Former Chief Commissioner of Police: Black Saturday

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Police and Emergency Services. When the minister, as coordinator-in-chief of emergency management, did arrive at the emergency control centre on the night of Black Saturday, did he inquire as to the whereabouts of his deputy coordinator-in-chief of emergency management, the Chief Commissioner of Police? If so, what was he told; if not, why not?

Mr CAMERON (Minister for Police and Emergency Services) — No, Speaker. What I wanted to do was to speak to the chief fire officers to find out what the present situation was. My focus that night was on making sure that I had the information that was necessary to make sure that we would have continuous emergency — —

Honourable members interjecting.

The SPEAKER — Order! The minister will be heard. No minister will be shouted down in this chamber.

Dr Napthine — Did you ask?

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

Mr CAMERON — I wanted to have the information, just as I had had the information through the day, about the developing situation, to make sure arrangements were put in place, because what was going to be important was that people would need help and we would have to get it.

During that night those arrangements were put in place. As I said, they included speaking with the member for Kew on behalf of the Liberal Party and also with the Leader of The Nationals. I spoke to both of them on a number of occasions. I was focused on doing my job, and that is what I did.

Fishing: Wimmera–Mallee pipeline

Mr HARDMAN (Seymour) — My question is for the Minister for Agriculture. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the recreational fishing benefits that will flow from the completion of Australia's largest water infrastructure project, the Wimmera–Mallee pipeline?

Mr HELPER (Minister for Agriculture) — First may I join the Premier in acknowledging and thanking the community that has worked so tirelessly for the completion of this project — that is, the community of the Wimmera and the Mallee, including the many outstanding individuals who have contributed so much to this project and the many who were involved in creating the partnership between local government, state government and the commonwealth government together with the local community to bring about today's terrific events.

As the Premier has indicated, one of the benefits of the Wimmera–Mallee pipeline is that we have greater flows in our rivers, including a greater flow in the Wimmera River, of course, and that allows us to concentrate on recommencing to stock the Wimmera River with fish after many years of the absence of stocking. In November last year I joined the community of Dimboola and the Dimboola Primary School. The member for Lowan was there. We were in front of the rowing club in Dimboola on the shores of the Wimmera River, where we commenced stocking the river with 50 000 golden perch. Stocking the river with fish will really provide terrific recreational fishing opportunities in western Victoria.

That stocking is, as is the stocking that took place today, part of our $13.5 million commitment to improve recreational fishing opportunities in this state. The 8800 golden perch were released by the Premier, the Minister for Water and me from a very stable fisheries boat in the Wimmera River. Nobody fell out of the boat; we were never in danger. The boat was skippered very well and capably by fantastic fisheries staff. The symbolic figure of 8800 golden perch is based on one fish for every kilometre of pipeline. I think that is a very fitting way of recognising the enormity of the Wimmera–Mallee pipeline project and the enormity of the opportunities it will bring.

The pipeline will bring extraordinary opportunities to the agricultural sector; it will bring extraordinary opportunities and improvements in lifestyle to the many communities throughout the area and the thousands of

families that make up the Wimmera and the Mallee; and of course it will bring opportunities for recreational fishing.

I am very pleased that the anglers who want to fish in the Wimmera and in the lakes in the west of the state — Lake Fyans, Rocklands Reservoir and Lake Bellfield — will have enhanced recreational fishing opportunities. I am very pleased that we were able to commemorate this transformational project with the release of 8800 golden perch.

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling the Leader of The Nationals, I apologise to the house. I failed to mention that the Minister for Education is absent from question time today. Any questions for the Minister for Education will be answered by the Minister for Children and Early Childhood Development.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Former Chief Commissioner of Police: Black Saturday

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the Premier's dire forecasts of catastrophic conditions prior to Black Saturday and to the fact that through the critical hours on that day the minister, as coordinator-in-chief of emergency management, had no idea where the deputy coordinator-in-chief was, and I ask: was this just an error of judgement or more evidence of a fundamental breakdown in command and control?

Honourable members interjecting.

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

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. The preface to his question is correct, that during the days before that terrible day there was a great deal of information provided to the public. There were a large number of briefings within government, across government and through government agencies to ensure that there was an adequate degree of preparation for what could have occurred on Saturday, 7 February.

On the day in question all the relevant ministers and statutory officers who had responsibilities under the act were in contact, as I think has been clear from evidence provided to the commission. At the incident control centre the principal issue on that day, particularly during the afternoon, was to ensure that the best possible fire effort could be put in place.

In the first week after the fires I announced that we would undertake a royal commission with the broadest possible terms of reference to look at all the issues in relation to that fire and all of the causes and the circumstances and to produce recommendations going forward to ensure that we never again see a day of that type. As I have said repeatedly, I think it would be wrong to pre-empt — —

An honourable member interjected.

Mr BRUMBY — There have been plenty of press statements from the opposition requiring the government not to pre-empt the royal commission. I think it is important to let the commission do its work, to get all the information and — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition, the member for Scoresby and the member for Narre Warren North for some cooperation!

Mr BRUMBY — As members know, the commission is due to report by the end of July. It is important to allow the commission to get all of that information, and we will then examine those recommendations.

In relation to command and control arrangements, there were clearly elements of the command and control arrangements that either failed or did not work as they should have on that day. That is a matter which was, in part, the subject of recommendations in the interim report. As a consequence, members will recall that I, with the Minister for Police and Emergency Services, requested the Chief Commissioner of Police, Simon Overland, to review the command and control arrangements. He has done that, and we have adopted the recommendations, and the commission has said that is exactly the right step for the government to take. However, in relation to other matters, they are appropriately matters for the commission to consider and determine.

Children: early childhood services

Mr CARLI (Brunswick) — My question is to the Minister for Children and Early Childhood

Development. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of how the Brumby government is making new investments to improve the quality of early childhood services across Victoria?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Brunswick for his question. As the member for Brunswick knows, and I think all members in this chamber know, Victoria continues to experience a once-in-a-generation baby boom, with over 20 per cent more babies being born now compared with 10 years ago. I think this reflects a measure of confidence in the positive economic environment in Victoria, and shows that families believe Victoria is a great place to raise a family. Of course more babies means greater demand on early years services, and I am pleased to say that this government has more than doubled funding for maternal and child health services, early childhood intervention services and kindergartens.

This morning I was pleased to join the member for Bentleigh at the Virginia Park Children's Centre to make an announcement about another significant investment in early childhood services: 223 services right across Victoria will share in $12.5 million of grants for renovations and refurbishment. I am very pleased to say that $3.4 million of those grants will go to 65 children's centres in rural and regional Victoria. These grants of up to $100 000 will allow the expansion and improvement of the facilities offered in these centres, including things like the improvement of indoor and outdoor play areas, an expansion of the number of places that can be provided and the improvement of kitchens and bathrooms and so forth. These renovation and refurbishment grants have been identified by the kinders and the children's centres themselves as being what they need to maintain the high-quality care they are providing for children in their communities.

In Barwon-south western region 10 children's services will receive grants totalling more than $700 000 — and I know the member for South Barwon was very pleased with two grants in his electorate. I am sure the member for Polwarth will be thanking the Brumby government for the $100 000 that will be going to the Alvie and District Kindergarten in Coragulac and also the $100 000 that will be going to the Inverleigh Kindergarten, one of 14 grants going to the Grampians region. In the Hume region grants will be shared among 21 services, and I am sure the member for Benambra will be thanking the Brumby government on behalf of children's centres in Chiltern, Kergunyah, Mitta Mitta, Corryong, Tallangatta and Wodonga.

There are 14 grants for the Loddon Mallee region, including 6 for the member for Mildura's electorate, if he is awake. I am sure the member for Rodney will thank the government for the grants for Cohuna, Echuca, Rochester, Barmah and Kyabram. I have not forgotten the member for Murray Valley: there are grants for Strathmerton and Wangaratta. The member for Gippsland South will thank the Brumby government for $100 000 for his community as well. This money is a fantastic investment in early children's services.

Mr K. Smith interjected.

Ms MORAND — It is a stark contrast to what happened when you were last in government, where you actually cut funding — —

The SPEAKER — Order!

Ms MORAND — I know the truth hurts.

The SPEAKER — Order! The minister will direct her comments through the Chair and not across the table.

Ms MORAND — The provision of kinder and child care is a great partnership between the community and the local, state and commonwealth governments. It is a great example of how a partnership can invest in local communities and give children the services they deserve. And some for you too!

Former Chief Commissioner of Police: Black Saturday

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. When the minister, as coordinator-in-chief of emergency management, received a call at 9.53 on the night of Black Saturday from his deputy coordinator-in-chief of emergency management, the Chief Commissioner of Police, did she tell him where she was or did he ask where she was; and if not, was this too just an error of judgement in a continuing breakdown of command and control?

Mr CAMERON (Minister for Police and Emergency Services) — No, I did not, because it was not relevant to what I was doing and the information that I needed. And that — —

Honourable members interjecting.

The SPEAKER — Order! I remind members of the opposition once again that no minister in this chamber will be shouted down.

Mr CAMERON — That was because I had all the information I needed from the emergency services commissioner, from the fire chiefs and from police. And as members would be aware, Assistant Commissioner Fontana and Superintendent Knight, for example, were at the integrated emergency control centre, and they were providing me with the information I needed.

Roads: regional and rural Victoria

Ms LOBATO (Gembrook) — My question is to the Minister for Roads and Ports. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house how the Brumby Labor government is improving road infrastructure in rural and regional Victoria?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Gembrook for her question and also for her continuing support for the Brumby government's investment in our arterial road network. Since coming to government we have invested $7.7 billion in upgrading arterial road connections right throughout Victoria, and that investment continues. Regional Victoria has benefited from something like $3 billion worth of commitments for the upgrading of regional road connections. We have completed 58 significant regional roads at a total cost of $2 billion, and we also have another 17 road projects under way at a cost of $1.4 billion.

We have upgraded links to freeway-standard roads that include linkages between Melbourne, Geelong, Ballarat, Bendigo and Gippsland. Others opposed to these important initiatives, such as stage 3 of the Geelong Ring Road, have described them as crazy or loopy, but the people of Geelong and the people of western Victoria would disagree with the member for Polwarth.

We are working to enhance further regional links with regional freeway-standard upgrades that are planned or under way to improve connections to Winchelsea, Stawell, Sale and Shepparton. We are helping to improve accessibility to regional centres, and in doing that we will grow the economic base of these areas. We are providing opportunities and generating jobs, and we are growing businesses and farming opportunities right across the state.

I was pleased last week to mark an important stage of the main contract for the $222 million Nagambie bypass. When it is completed in 2012 it will ensure freeway-standard road access from Melbourne all the way to the south of Shepparton. Works will also be starting this year on the Princes Highway east upgrade between Traralgon and Sale. We are also seeing the progressive delivery of the Western Highway upgrade at Anthony's Cutting, which is a $200 million investment. It is a freeway-standard link between Melton and Bacchus Marsh.

We are continuing our investment on the Geelong Ring Road with stages 4A and 4B. We are pleased to see that works started yesterday on the upgrade of the Nhill trailer exchange, which is to be completed at a cost of $11.4 million. That project is being undertaken in partnership with the federal government.

We are progressing the delivery of such vital projects as the Colac-Lavers Hill Road at a cost of $15 million. There is another $15 million investment for the Yarra Glen truck bypass, a project which, weather permitting, should be open to two-way traffic within the next week. Works will continue to upgrade the South Gippsland Highway with an investment of $56.9 million. It is a project that is close to the heart of the Leader of The Nationals. We have invested $790 million in over 2200 road safety projects, and almost 60 per cent, or $460 million, of that has been spent in rural and regional Victoria.

I turn to deal with the latest round of the Safer Roads infrastructure program. Only in the last few weeks I was pleased to announce $30 million for projects in regional and country Victoria. Since the Arrive Alive project was introduced we have seen our road toll right across the state progressively reduce, largely as a consequence of those investments we have made in arterial roads. There has been a 35 per cent decrease in the toll since 2001, and we have seen that decrease also occur in regional Victoria — 874 lives have been saved since the introduction of our road safety strategies in 2001. That would include 182 lives that have been saved in regional and rural Victoria.

We continue to make these important investments in our arterial network, upgrading roads to freeway standard. Essentially $38 billion will be invested under the Victorian government's transport plan strategy. We are rolling it out progressively. However, we continue to improve on our plan and make adjustments to deliver for the economic wellbeing of Victorians.

A total of 673 days has now passed since those opposite committed to progressively announce their plans to

Victorians. Maybe we are left with one inescapable conclusion — their record remains perfect by continuing to aim for nothing they are hitting the target every time.

Former Chief Commissioner of Police: Black Saturday

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given that the Premier did not see fit to sack Christine Nixon following revelations that she had left her post on Black Saturday, and nor had he seen fit to sack her following revelations that she misled the royal commission, is it not a fact that under this Premier's leadership there are no longer any standards of public accountability?

Mr BRUMBY (Premier) — The Leader of the Opposition certainly has a view about public accountability, and that view is that when people do not agree with you, you sack them. It is not surprising that this question comes from the Leader of the Opposition. It is the Liberal Party that sacked the director of public prosecutions — —

The SPEAKER — Order! I ask the Premier not to debate the question. I remind the opposition once again that no minister, including the Premier, will be shouted down in this chamber.

Mr BRUMBY — The question was about sacking people. As I was saying, the Leader of the Opposition has form in this regard — sacking judges, sacking the director of public prosecutions, sacking the Auditor-General, sacking the Equal Opportunity Commission — —

Mr McIntosh — On a point of order, Speaker, the Premier is clearly debating the question. I ask you to bring him back to question so he can answer it properly.

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

Mr BRUMBY — As I made clear to the Parliament earlier this week, and I have made it clear to the public again this week, in relation to these matters that have been raised in the commission, I understand people will have a range of views about the performance of the then Chief Commissioner of Police. I accept that there will be people with strong views about the extent of her performance on that day, and equally there will be strong views held by people who hold her in highest regard, particularly in relation to the job that she has done in relation to reconstruction and recovery following the fires of 7 February 2009. I have formed a view. I do not pretend that everybody will agree with that view. As I said, there is a range of strongly held views in the community. But I have formed the view that the job that she is doing now — —

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Warrandyte and Scoresby.

Mr BRUMBY — I have formed the view that the job that she is doing now is of such importance to those communities that she should continue in it. I repeat that there will be a range of views. I understand Lord Mayor Robert Doyle said on 3AW this morning that the most important thing to think about now is the people affected by the bushfires, the people in Kinglake, Marysville and Gippsland. I understand he went on to say that Christine Nixon was doing a different job now and doing a good job at it. He said he was uncomfortable with the witch-hunt for Christine that appears to be going at the moment. He went on to conclude — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass will cease interjecting in that manner. I suggest to the member for Scoresby that he will not be warned again.

Mr BRUMBY — He went on to conclude that getting a scalp for its own sake was not helpful or satisfactory, that it was more important to think of the reconstruction.

I repeat that I acknowledge there will be a range of strongly held views about this issue. I have formed a view. I do not pretend that everybody will agree with that view. But my view is that she needs to continue her work in the reconstruction authority, and I support her in that task.

Regional and rural Victoria: government initiatives

Mr TREZISE (Geelong) — My question is to the Minister for Regional and Rural Development. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the Brumby government's support for regional Victoria that is delivering jobs and infrastructure, and is she aware of any approaches to challenge this?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Geelong for

his question. The member for Geelong has asked a question about jobs in regional Victoria, and as the member for Geelong he knows very well that gone are those days of the 1990s when right across regional and rural Victoria you could find double-digit unemployment rates. There are over 122 000 more jobs today in regional and rural Victoria than there were at the end of 1999, and I am pleased to have the opportunity to update the house on some more recent job-creation activity by the Brumby government.

Today we have already heard from the Premier and the Minister for Agriculture about how the iconic Wimmera–Mallee pipeline is not just delivering that vital water-saving infrastructure to the western part of Victoria but also created jobs during its construction will continue to create jobs for many, many years ahead.

Another great Victorian icon is the Ford motor car. Ford has been manufacturing cars in Geelong for around 85 years now and employs hundreds of people in the city of Geelong as well as in Broadmeadows. Even Geelong Football Club supporters — even Geelong fans like the Deputy Premier — would agree that there is only one thing that the people of Geelong love better than their Geelong Football Club, and that is Ford motor cars.

Yesterday the Premier and I were in Geelong with the member for Geelong and the member for Lara. We were with the president of Ford Australia, Marin Burela, and the workers of the Geelong casting plant to celebrate the announcement of a $20 million upgrade to the plant. This is an investment by Ford that has also been backed by support from the Brumby government. We have provided support because this upgrade will not only secure the 100 jobs already at the site but also create a further 50 jobs as the plant is able to expand and operate at full capacity.

This is great news for Geelong, but most importantly it is great news for the Ford workers in Geelong. This was summed up very well by one of the workers we saw there yesterday, Wayne Moore, who is quoted in today's *Geelong Advertiser* as saying, 'This gives us all certainty'. That is very important for workers at the Geelong plant.

In challenging times — and there is no doubt that we have seen challenging economic times over the last 12 or 18 months — governments have a choice: they can choose either to work hard and back local industry and jobs or to do nothing. We are clearly a government that chooses to work hard to save and create jobs in this state. That is something the *Geelong Advertiser* understands very well, as is shown by its editorial today. It says in regard to the economic downturn:

> Australia has not been immune, but from the first sales slowdowns and the first staff layoffs, industry and state and federal governments have refused to raise the white flag.
>
> It has been just the opposite with pledges of money and expertise to complement the will, and it is now paying off.

This is evidence of how when you make the choices you can get results.

I would also like to update the house on a couple of other examples of how we are seeing jobs being created right across Victoria. I was in Myrtleford a few weeks ago — and the member for Benalla was also there — where we were announcing support for Carter Holt Harvey's $50 million expansion to its plant. This is very important for Myrtleford and for jobs in the region. This will not only secure the jobs at the plant, it will also create 60 additional jobs at Carter Holt Harvey's Myrtleford site.

Just this morning — whilst we would also have loved to have been in the Wimmera Mallee celebrating the opening of the pipeline — the member for Williamstown and I were at the Williamstown shipyards, where we were joined by Greg Combet, the federal Minister for Defence Personnel, Materiel and Science, for the cutting of the first steel to mark the commencement of the contract that BAE Systems has won at the Williamstown shipyards to build 36 complex modules for the navy's air warfare destroyer project. This contract is bringing $300 million of investment and 400 new jobs to the Williamstown shipyards. That is a significant achievement. It is another project that was backed with real support by the Brumby government. These are just a couple of examples that actively demonstrate that when you have activity, investment and innovation occurring right across the state, you can get real job outcomes.

There are some challenges to this approach, and others do have a different approach. There was a recent suggestion from the Productivity Commission that there should be an examination of the government's axing of support, particularly for the automotive industry. This suggestion was embraced by someone who said, 'This is something that needs to be looked at seriously'. Who was waving the white flag? It was the federal Liberal shadow Treasurer, Joe Hockey. He was prepared to wave the white flag — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister, who has been speaking for some time now, to conclude her answer without further debate.

Ms ALLAN — The Brumby government will continue to work hard to create jobs. We reject this jellyback approach to job creation and will continue to see more jobs come into the state of Victoria.

MEMBERS OF PARLIAMENT (STANDARDS) BILL

Second reading

Debate resumed.

Mr BROOKS (Bundoora) — It is a pleasure to speak on the Members of Parliament (Standards) Bill. The bill sets out, in part 1, the main purposes of the bill, which are to promote public trust and confidence in members of Parliament by establishing a statement of values for members of Parliament. setting out a code of conduct for members and establishing a register of interest for members of Parliament. Part 1 also includes the commencement date, which will be 1 July this year, and a list of definitions that apply to the operation of the bill.

The second part of the bill contains a statement of values indicating that members need to be serving the public interest, upholding democracy and demonstrating integrity, accountability, respect for the diversity of views and backgrounds within the Victorian community, diligence and leadership.

Part 3 sets out the code of conduct in relation to upholding democracy, respecting others regardless of their background, stating that members must treat all people with respect and have due regard for their opinions, beliefs, rights and responsibilities. It sets out how members should behave in relation to conflicts of interest, using their position for profit, outside employment and activities, accepting gifts, the use of influence and a number of other important matters.

Part 4 deals with the register of interests and sets out the information that needs to be included on primary and ordinary returns, including source of income, any corporation or partnership or other body in which a member holds a beneficial interest, land in which the member might hold an interest, corporations or other bodies within which the member holds an office, any personal debt held by the member, a description of any trust — and it sets out some further details around family trusts in relation to members — the name of an estate in which the member is appointed as executor and holds a beneficial interest, and a description of that interest.

Part 5 is a general part of the bill dealing with failure to comply, and it sets out the sanctions if the member were to fail to comply with the bill or to default on payment of a fine, and gives the power to Governor in Council to make regulations in relation to the bill.

The bill follows the very thorough report of the Law Reform Committee in its review of the Members of Parliament (Register of Interests) Act 1978. It is a great report for members to read in order to fully understand the way the bill has been arrived at. The government has adopted nearly all the recommendations contained in the report that was presented to this house by the Law Reform Committee, and it is important to acknowledge the work of not just the members of that committee but certainly the staff of the Law Reform Committee, who worked very hard to produce the excellent report.

This bill has been considered by the Scrutiny of Acts and Regulations Committee in its *Alert Digest* No. 5, tabled this week, and I will touch on a few issues raised by the privacy commissioner. The first issue was a concern about the bill not picking up an opportunity to put into legislation an ability to protect the privacy rights of Victorians in the handling of personal information by members of Parliament. It was brought to my attention that there is a very good code of conduct that members of Parliament can choose to adopt. It is a voluntary decision to choose to adopt it, and it was published back in 2002 in relation to how members treat personal and confidential information provided to them by constituents.

It is worth members considering picking up the code as a way of giving greater confidence to their constituents and people they deal with that they will treat that information confidentially and respect the principles of privacy, but I do not believe that it is something that belongs in legislation.

The privacy commissioner also raised an issue in relation to a concern about individuals who transact or have business or other dealings with members of Parliament — they might rent a property from a member of Parliament, as an example, and they might then have their personal information listed on the register. The commissioner was concerned that there should be a requirement in legislation for members of Parliament to notify those people that they could well have their privacy impinged upon by putting the information on the register.

Again, it is not something that should be in the legislation; it is something that members of Parliament, as individuals, make a judgement on. There is a range of different circumstances that members find themselves in, and I would hope that most members are able to make a judgement on that matter and make a declaration to those people when they see fit.

I am proud to be part of a government on this side of the house that has had a history over many decades of introducing reforms that boost the essential pillars of our democracy in this state. We saw the attacks on democracy from the previous government, and this government is restoring the powers of people like the Auditor-General and the Director of Public Prosecutions, and respecting the media for having an opinion. Even if we sometimes disagree with the way things are reported, we do not attack the media as has happened in the past.

This bill will help to guide members and provide transparency in relation to their private interests. However, it is also self-evident that the promotion of public trust and confidence in members of Parliament is driven primarily by the behaviour of individual members and the decisions they make. I commend the bill to the house.

Mr MORRIS (Mornington) — I rise to speak on the Members of Parliament (Standards) Bill, but I disclose, in accordance with section 3(1)(d) of the Members of Parliament (Register of Interests) Act 1978, that by virtue of my position as a member of Parliament I have what may be considered to be a material interest in relation to this bill.

The bill sets out, as the explanatory memorandum indicates, to promote public trust and confidence in members of Parliament by establishing a statement of values, setting out a code of conduct for members and establishing a register of interests to replace the register established under the Members of Parliament (Register of Interests) Act 1978.

One could say it sets out to do that, but I do not think the bill in its present form goes anywhere near achieving it. I do not propose to go through the bill in any great detail, but I certainly will make general comments about some of its provisions.

In many ways the provisions of this legislation, particularly the disclosure provisions even in the present form, are an improvement on the existing act. They provide some clarification and greater consistency in the way in which members report the necessary information. If one looks at the returns that are compiled under the existing legislation, one sees that the disparity between members in the way real estate holdings particularly are reported is enormous. I am not suggesting one way is right and another is wrong, but clearly there is some disparity.

There are two parts to the bill that are substantially different to those in the current act. One which is entirely different is part 2 — the statement of values, and the other is part 3 — the code of conduct, which has been expanded to the point where it is almost unrecognisable from the existing legislation.

The member for Prahran made the point that in his view the statement of values was aspirational, and I think that is probably a fair thing to say. Where I differ from him and many others in this place is that I do not think aspirations have any place in the law and they do not have any place in an act of Parliament. Aspirations should be in other places. That is not to say that any of the values identified in part 2 are inappropriate, but they are basic values that should be held by anyone who seeks public office. Whether they are seeking it in the commonwealth Parliament, this state Parliament or even a local council.

They are values that are inherent in the job. It is perhaps indicative of the erosion of standards under this government that we now have to enshrine these values in this so-called aspirational legislation. Values are inherently personal things, and there is no way you can impose personal values by legislation. Any person who aspires to serve the public needs to have these values, and if they do not have them, I would suggest they will not hold that public office for a particularly long time.

In terms of the code of conduct itself, the bill provides for a number of additions to the standard 1970s document. I agree it is very much a 1970s document. Landmark legislation though it was at the time, it is simply not in accord with the expectations of the 21st century. However, I once again raise my eyebrows at legislating things like upholding democracy. I would have thought that the oath we take, the constitution of this state and the legal framework of the state had already dealt with that. Respecting others regardless of background is certainly a value I have; I imagine it is a value shared by every one of my colleagues in this chamber. But once again I fail to see how you can achieve this sort of outcome by legislation. I express concern about this so-called aspirational legislation. It is a trend: more and more we are enacting legislation that simply cannot be enforced. It is not to undermine the concept, and it certainly is not to speak with disrespect of the values, but I simply do not think it is appropriate to attempt this with legislation.

I support all the provisions in this bill, as far as they go, but it is an incomplete bill. The member for Box Hill has produced a comprehensive series of amendments which, if accepted, will provide for much greater and much more effective scrutiny of the activities of members than is currently possible and would allow the claimed intent of the bill to be achieved. The bill as it stands simply cannot achieve the purposes set out. I support the amendments.

Much of the rest of the bill, beyond the additional disclosures and so on, is really about what we should be thinking, what values we should hold and which way we should behave. It is a sad state of affairs that it has become necessary to enshrine these sorts of things in black-letter law.

It is clear that this bill sets a series of minimum standards. The problem with minimum standards is that they become the absolute standard. For example, if you have a form of behaviour which is not below the minimum identified standard, but which would have previously been seen by any reasonable person to be entirely unacceptable, once these so-called minimum standards are considered that behaviour automatically becomes acceptable. Rather than achieving the objectives of the bill, you then get a general decline in standards.

Once again the Premier has refused to introduce an independent broadbased anticorruption commission. With this legislation there is no independent umpire and no independent recourse if the government uses its numbers in this house to rule one way or the other. Whether the government be using the power for good or evil, there is no independent umpire. The processes provided by this bill are clearly open to political interference and political abuse.

In the couple of minutes remaining I simply say that, while I acknowledge the comprehensive work done by the Law Reform Committee, there has been no broad public consultation on this bill, contrary to the recommendation of that committee. In fact if one were to look at the events in the Parliament this week, one might almost think there had been a deliberate attempt to stifle debate on this bill. We have effectively had about 2 hours to deal with this bill. It was brought in a couple of weeks ago, left to sit over Easter, and then we have basically 2 hours to discuss what is a particularly important piece of legislation. That is unfortunate to say the least.

The government is paying lip-service to the process. The bill as it stands is patently incomplete. If it remains unamended — if the member for Box Hill's proposed amendments do not get up — it will finish up as a blatantly political attempt to corrupt the disclosure requirements. That is not in the public interest, but clearly it is the government's intention not to do what is in the public interest but what is in its own narrow political interests. I urge government members to do the right thing and support the comprehensive suite of amendments proposed by the member for Box Hill. If we get that package together, we will have achieved what is intended by the spirit of the bill — that is, appropriate levels of disclosure.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Members of Parliament (Standards) Bill. In doing so, I would like to reflect a little on how the Westminster system of Parliament operates and how parliaments, and indeed this Parliament, have operated previously. It has always been a standard of the Westminster system, and indeed of this Parliament, that the Parliament itself determines what are appropriate standards for members of Parliament.

There was a very famous case in 1862 in which the Parliament had a dispute with the editor of the *Age* and which went to the Privy Council in England. At that stage it was found that both houses of the Victorian Parliament had the same rights and privileges as the House of Commons in England. Part of that decision gives the Parliament quite extensive powers in relation to members of the house in terms of how they conduct themselves and what is expected of them. It is important that this house determine appropriate standards for members of Parliament. Under the Westminster system it is not the role of an outside body or a court to do so; it is the Parliament and the members of Parliament themselves who are required to do so. That has occurred in Victoria since our Parliament first met in 1856.

It would be fair to say that in 1856 there were very few standards for members of Parliament. Indeed after looking at some of the early debate and early behaviours in Parliament, particularly in relation to land transactions and the routing of railways, I think it probably would have been much better for the people of Victoria if members of Parliament had had to declare their land-holdings at that time, which of course they did not. Anyone who has an interest in the history of Parliament and members of Parliament would find some of the behaviour of those members of Parliament quite outrageous; we certainly would in the year 2010. I have no doubt that the poor old residents in the 1850s and 1860s would also have been outraged if they had had any idea of what was going on. The capacity of some members of Parliament to hide land-holdings in the names of their families, wives or cousins was quite

extensive. I guess that highlights why it is important perhaps to have a tighter regime than we have had since the register of members interests was introduced in 1978.

Dr Napthine — And aunties.

Mrs MADDIGAN — And aunties. It was particularly bad down in the Warrnambool area. I have some interesting stories about the Warrnambool and Portland area but perhaps today is not the occasion for me to share them with the house; I might save those stories for another day. I can say though that I did not come across the name Napthine anywhere so the current member can feel quite relaxed about that; there is no reflection on him or his family at all.

Mr Foley — Family is not the trouble. It is the family that could have been!

Mrs MADDIGAN — That is right — especially his brother! Members of Parliament certainly behaved in a manner which we all today, whatever side of the house you are on, would think was totally inappropriate.

Perhaps partly due to the media attention on the personal lives of members of Parliament, which certainly did not occur to the same extent in the early days of the Victorian Parliament, there is no doubt that there is now an expectation on members of Parliament to behave in a more open manner. I guess it is a reality of life, whether we like it or not. Footballers have found recently that if you are in the public eye you are expected to behave in a different way and there are higher expectations of you than there are of the general population. That is particularly true if you are a member of Parliament and are making decisions that affect other people's lives. It is important that the community has full confidence in members of Parliament and their disinterestedness in the making of decisions that relate to the community at large.

As I said, standards have changed since 1978 in terms of the community's expectations of members of Parliament. Thanks to the advancing capacity of accountants it is also much easier to hide your assets now than it was 50 years ago. Indeed there are many inventive schemes for people in all walks of life to be able to hide their assets. I think any member of this Parliament — and members of Parliament in the main — wants to be seen as honest and upright and therefore is quite happy for the community to have access to information about any interests they might have that might be seen to affect their decisions. It is best to be overly cautious in relation to this.

This bill provides for information about members of Parliament to be more extensive and more openly available. I think members of the community at large will strongly support that and will feel their interests are protected because of the capacity for them to see quite clearly what their members are declaring to the Parliament, particularly in relation to their annual returns. I think publishing of the annual returns is a good step forward. It will give people confidence that the information provided is correct and gives them a fair view about the interests that their member of Parliament has.

It sometimes gets difficult though in terms of people's personal interests, whether they be in sporting or other associations. We have to be careful that this bill defines the requirement in a way that makes it sensible — and I think it does — so that it does not go beyond the realms of reason in relation to members reporting their interests to the house.

I am a little surprised that the opposition has raised a considerable range of concerns, although I understand what members are saying. I would have thought that this bill is a reasonable response to the reviews that were undertaken about it, and it provides for the sort of information that is reasonable and will give confidence to the general community in relation to members of Parliament. I am pleased to support the bill, and I wish it a speedy passage through the houses.

Mr JASPER (Murray Valley) — In joining the debate on the bill before the house I wish to disclose, in accordance with section 3(1)(d) of the Members of Parliament (Register of Interests) Act 1978, that by virtue of my position as a member of Parliament I have what may be considered to be a material interest in this legislation.

The purpose of this bill has been reiterated as being to promote public trust and confidence in members of the Parliament by, firstly, establishing a statement of values; secondly, setting out a code of conduct; and thirdly, establishing a register of interests for members of Parliament.

I must say at the outset that I want to record my concern about the lack of time that has been provided by the government for the Parliament to fully investigate all the issues relating to this legislation. We heard the Attorney-General indicating a few weeks ago that two weeks would be sufficient time for us to review the legislation that is before the Parliament in relation to the register of interests for members of Parliament. He referred to the review by the Law Reform Committee on the current act. He believed that with the

investigation that had been undertaken we should be aware of what the provisions in the legislation would be.

I disagree with that entirely, because until we get legislation brought before the Parliament we do not know what in fact the government is determining by way of the legislation and what the provisions in the legislation before the Parliament are. We need time to be able to do that.

I congratulate the member for Box Hill on the work he has undertaken over the past couple of weeks and thank him for the responses, detailed information and recommendations he has made available to us as the coalition in opposition. In those two weeks he has done an enormous job.

I want to list just some of the areas of concern that I have with the legislation. I wrote them down because I think all members should look at and consider the areas of concern which I will raise in my contribution. This legislation should be further investigated and take into account the changes which are being made to the 1978 act with this new bill coming before the Parliament, and we should look at the issues of genuine concern that have been raised by the member for Box Hill. If we want it to be a comprehensive act providing for a register of interests for members of Parliament, surely this needs to be further investigated to take account of all inquiries which have taken place over recent years and also take into account of the general public's views of us as members of Parliament. We have not been able to assess the legislation appropriately in the time that has been given to us, so I want to register some of the issues of concern that I have with this legislation.

I refer to the punitive provisions which are contained in the legislation. I refer to the flaws and anomalies in what has been presented — the member for Box Hill has come forward with a range of amendments to deal with some of these flaws and anomalies. I refer to the unintended consequences of the legislation that is before the Parliament, the adverse effect that it will have on some people who are not members of Parliament should it be enacted, and the fact that some people may take action under the legislation to attack members of Parliament.

I do not believe the bill is even-handed, either, in trying to get balance between what a member of Parliament should be doing, the responsibilities of a member of Parliament, including a member's responsibility to the people who elected him or her to the Parliament, and that member's obligation to respond to the wishes of the electorate in general.

I support the principles contained in the legislation, of having a register of interests for members of Parliament and a code of conduct for them to conduct themselves effectively within the Parliament, and more importantly in relation to the people they seek to represent. However, I also look at the implications of the legislation for MPs. Time will preclude me from going into all of them in detail, but there are many overarching implications that could create difficulties for MPs into the future, despite the protection that is provided for us in speaking in the Parliament.

The issue of accountability has not been appropriately looked at. Despite the comments made by the Attorney-General in his second-reading speech, accountability is an issue that definitely needs to be considered further. Transparency is another issue that needs further consideration, in terms of both transparency within the bill itself and the lack of protection for MPs, which I mentioned earlier.

I listened also to the comments made by the member for Bundoora, who is a member of the Scrutiny of Acts and Regulations Committee, as I am. I do not think he gave enough recognition to the submission that was provided to the committee by the Office of the Victorian Privacy Commissioner. The submission deals with two privacy concerns: that the code of conduct provided in the bill inadequately deals with the privacy and handling of personal information about Victorians by members of Parliament; and secondly, that third parties may not be aware that their personal information — transactions and dealings with members — may be published in the members register of interests.

Members need to remember that the Information Privacy Act came into effect in the year 2000. We had the investigations and reports undertaken into the code of conduct by the Scrutiny of Acts and Regulations Committee in 2002. We had the report prepared by the Law Reform Committee, and then we had the Charter of Human Rights and Responsibilities, which came into effect in 2002. Over the past 10 years a great deal of legislation has come before us, and I think there is a connection between the legislation we have and the way we assess bills and regulations that come before the Parliament. All bills and regulations are assessed by the Scrutiny of Acts and Regulations Committee (SARC) and it provides greater power and greater responsibility in terms of how the legislation brought before the Parliament will be considered.

In the meeting that took place last Monday SARC referred issues relating to this legislation that have been brought to our attention, particularly by the privacy

commissioner, but we will not be able to get a response from the Premier, to whom the issues of concern have been directed. We need to get responses to those issues before we can adequately deal with the proposed legislation.

Unfortunately my time is restricted and I will not be able to deal with the issues the privacy commissioner has raised in correspondence. Half a dozen pages of information have been provided to the committee. We need to get a response. The only protection we have in this regard is the Legislative Council. Thank God we have two houses operating in the Parliament in the state of Victoria. The legislation can be and will be bulldozed through this house in three sitting days when we have had only two weeks to assess it, but we will be able to get appropriate consideration of the bill when it goes before the Legislative Council. When the bill is introduced into the Legislative Council there will be a further delay of some weeks before it is debated, and members of the Council will be able to get more information on the bill and its implications. Areas of concern about it have been raised by the member for Box Hill and there are others that we need to look at, and we need time to do that. Time is of the essence.

I entered the Parliament in 1976 when we did not have a register of interests of members of Parliament. The register of interests was introduced in 1978, and since then we have all had to be aware of the relevant provisions and respond to them. Now we have a completely new piece of legislation coming before us. My view, again, is that we need more time to assess the legislation and to look at the amendments proposed by the member for Box Hill.

All members of the Parliament should have the opportunity to look at these issues. Whether on the government or the opposition side, members all want the best legislation possible. We do not want something that is going to cause problems for us as members of Parliament; we want some protection. If we look at councillors, we see that they have individual indemnity. We, as members of Parliament, have no indemnity, so we could see attacks on members of Parliament by people outside the Parliament — —

Mr Nardella interjected.

Mr JASPER — I do not want to take up the interjection because of the time. It is a stupid one, anyway. We need to assess this legislation and get the best form of it to make sure not only that members of Parliament do the right thing but also that they have appropriate protection so that they can continue to be unhindered in the work they do within and outside the Parliament and do their best not only for their constituents but for the state of Victoria. The concern I have is that we need more assessment to get the best possible legislation. Let us all work together to make sure that happens. My concern is that it will not happen with this legislation as it is.

Mr FOLEY (Albert Park) — It is always a pleasure to follow the father of the house in the debate, but on this occasion, as with every other time I have followed him, I am afraid I am going to have to disagree with his contribution, because I support the bill as explained in the second-reading speech and oppose the amendments put forward by the member for Box Hill.

The background to this bill, as has been explained a number of times, has emanated from an inordinate amount of consultation and public input.

Some time ago the Public Accounts and Estimates Committee was conducting a review that touched on this issue. It quite eloquently called for a review, and I will not steal the member for Burwood's thunder in that regard. As a result of that the Law Reform Committee, of which the member for Box Hill is the deputy chair, considered at great length an inordinate number of the issues that were picked up in its report that was tabled in December last year. Earlier this year in the statement of government intentions it was made clear that the government would pick up the recommendations in that report almost in total, as it has done.

The amendments proposed to be moved by the member for Box Hill seem to reflect a desire to increase scrutiny of the executive side of government but decrease scrutiny of the individual activities of members of the Parliament. As the member for Prahran put it, he is caught in a gymnastic contortion that makes a nonsense of his argument. As the member for Box Hill knows, on page 4 of a report from the Law Reform Committee of December last year it states:

> This report —

which was on a review of the 1978 act —

> focuses on how the act deals with members of Parliament in their capacity as members.

The words 'in their capacity as members' are highlighted in the report. Whilst the committee received limited submissions about the broader aspects of a review of government and the executive side of the processes, the 1978 act, as the member for Essendon pointed out, is about how this Parliament regulates the activities of all of its members. Although there are added expectations and requirements for members of

the executive — as is only right — the truth of the matter is that this 1978 groundbreaking act introduced by the Hamer Liberal government and this subsequent bill a generation later bring the matters into the modern context.

In their heart of hearts members opposite seek to politicise and use this bill to continue their endless campaign of harping around the need for further scrutiny and transparency, when in fact this government has a proud record of transparency and scrutiny. It needs to be remembered it was not this side of the house that sacked the Auditor-General, that sacked judicial officials, that sacked teachers, that sacked any number of organisations throughout the government and the public service with a view to trying to minimise scrutiny. It was the other side of the house that did that.

Members over there do not come with clean hands and they do not come with logic or consistency on their side. When the member for Box Hill's amendments, particularly those that focus on the scrutiny of government, are appropriately voted down later today, we hope those in the Legislative Council will take proper account of what that part of the games played by those opposite pretended to be.

It is in terms of the other arrangements that the member for Box Hill's amendments seek to address that I will close on. The second group of the member for Box Hill's amendments seek to lessen scrutiny of individual members of Parliament. They seek to confuse the grounds on certain issues going to an individual member's wealth, an individual members contributions and an individual member's conflicts. Why is that? Why is it that those over there want to hide behind the shroud of confused arrangements and diffused processes of reporting to deal with their personal interests?

It is not for me to judge the individual performances of those opposite; I will leave that judgement to others, but it is clear, particularly for those members opposite when you make that juxtaposition, why they are seeking this confused and, quite frankly, doomed strategy of mental and political gymnastics that will see it fall, as it must. I welcome this bill, I welcome this arrangement. I condemn those opportunists, those grubs, those people on the opposite side of the chamber who seek to hide their personal wealth and their personal gains by proposing confused amendments. Those members opposite know that this is a good bill, and they know they are going to support it. However, if they had the courage of their convictions and if they were half as fair dinkum as they say their contributions to this debate are they would vote against it. They will not do that because they are spineless. They are hopeless, they are leaderless, and they do not deserve the support of the Victorian people. Lord help the people of Victoria should the circumstances ever come together where they form the government, because transparency and contributions of democratic systems will disappear from this state, as they did in those dark years of the Kennett government. I wish this bill a speedy passage and I look forward to it becoming law.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I call on the member for Gippsland East without interjections from the members for Kew and Albert Park.

Mr INGRAM (Gippsland East) — Thank you for that protection, Deputy Speaker. I rise to speak on the Members of Parliament (Standards) Bill 2010, and, like a number of members, I will declare a potential material interest in the bill. I will detail the pecuniary interest, material interest and conflict of interest provisions later because I think that that area in particular needs some exposure and discussion.

I open with a statement that is a fairly obvious one: members of Parliament from all sides are rightly exposed to public scrutiny as part of the position that we hold within the community as elected representatives, making sure that we are accountable to our constituents and to the broader Victorian community.

We are under incredible public scrutiny, and the overwhelming majority of members of Parliament from all sides behave according to the ethics and standards the community expects. The problem is that, when members of Parliament step out of line, and we see it occasionally, the scrutiny that is rightly put on us by the media, brings us all down and lessens the public's view of us. All members in this place have tried to have that discussion with members of our constituencies who denigrate the standing of this profession. It is an honour and a privilege to be a member of Parliament and people need to understand that. It is important to set a code of conduct and standards and for MPs to live up to those standards in everything we do. We are accountable for what we do.

Having come into this place, over the years I have copped a fair bit of criticism because I have assets. Before I was a member of Parliament, I had many interests outside politics, both business interests and material assets. At times as members of Parliament we are criticised for that. I consider that to be unfair because the Parliament needs a broad range of people

with diverse interests to do its work, and members on all sides of politics would agree with that. It then comes down to how we declare and are accountable for those assets and interests. One of the best pieces of advice is that you declare everything on the register of interests even if they are unlikely ever to be considered. If you declare them, then you cannot get into trouble.

I have been here for 10 years, and I am one of the few members who has declared their pecuniary interests and not voted on relevant legislation. The pecuniary interests provisions of the Parliament are very strict. We are required to declare our direct pecuniary interests, which is a higher level of accountability than for those in local government or most other levels of government.

The bill includes provisions governing conflicts of interest which, as I understand it, are similar to the material interests provisions in our current rules. Other members have declared that they potentially have a material interest in the bill. The issue is that in Parliament we have to declare a direct pecuniary interest in a matter and then not vote on it. We can be challenged if we attempt to vote on something which gives us a direct pecuniary benefit. After the bill is passed we will need to clarify how a member's vote will be impacted on if he stands up and declares a potential conflict of interest with a particular piece of legislation. It is important that we declare those interests and acknowledge that a conflict may influence how a member votes.

If you have interests in your local community and have membership of clubs and organisations and own assets, it is a challenge. It is important that we still be allowed to do our jobs and represent our communities. As members we represent a fairly large group of constituents. If you are very well connected in the community and have a lot of interests outside politics and so have to avoid making certain representations, it is possible that you will not be able to accurately represent your community. If I have an interest in something, I declare it, even if I write a letter about it, because I consider it important to do that. It is important that we as members of Parliament are always seen to be doing the right thing. My view of the conflict-of-interest provisions and the pecuniary interest provisions and voting and representing constituents in the Parliament is that those provisions will probably need some clarification once the legislation has passed.

I have raised the issue of political donations a number of times in the Parliament. The bill touches on the declaration of donations. Back in about 2000 Victoria removed most of the provisions governing political donations and accountability and deferred them to the commonwealth. As an independent member of Parliament, I am very clearly aware that theoretically, because I am not a member of a political party, there are no requirements for me to declare political donations. That is of great concern to the community, about not just independent members but all members of Parliament. The level of accountability on political donations, and the potential conflicts and the issues in political parties and between candidates, members or anyone else involved in politics, need to be cleared up. I have always been a very strong advocate for much higher levels of accountability on political donations because of the problems they can bring.

Another issue which needs to be addressed seriously is lobbyists. I am sure all MPs have seen them. I think most people involved in lobbying members of Parliament for particular outcomes behave in a very ethical way, but that is not always the case. We see some individuals slither around this place — you may need to degrease after you have walked past them. It is important that that issue is addressed further by improving the accountability of and the declaration by lobbyists, including who they are working for and their access to members of Parliament. That process should be declared.

A number of changes made by the bill will mean more work for members of Parliament to ensure we get it right and that we declare our interests. One amendment deals with accountability and the reporting process for funds used when members of Parliament travel overseas, and the benefits to the taxpayer. A whole range of gifts that members get should be declared. They should be fully accounted for and exposed to public scrutiny.

The issue of primary and secondary place of residence is an important one. Unfortunately, as members of Parliament we are exposed to people with serious mental issues, and at times there are some risks if addresses are disclosed. It is important that addresses are kept private.

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

Mr STENSHOLT (Burwood) — At the outset I am happy to declare a strong interest in the bill and indeed my support for it. I have always been happy to declare my interests, material and otherwise. I have the longest entry in the register of interests of members because, like the member for Gippsland East, I believe in trying to record the full extent of my interests as a member of Parliament.

I rise to support the bill, which repeals and replaces the Members of Parliament (Register of Interests) Act 1978. The purpose of the bill is to promote public trust and confidence in members. It relies on the recommendations of the Law Reform Committee's review of the Members of Parliament (Register of Interests) Act. The review of that act was prompted by a report of another parliamentary committee, the Public Accounts and Estimates Committee, which in 2007–08 conducted an inquiry into ways to strengthen government and parliamentary accountability in Victoria.

The Law Reform Committee noted in its report that there had been a lot of change since 1978 and it was time to update the code of conduct. It also recommended that the government update the register of interests. That report also noted that the information in the register varied considerably in detail and some entries were too brief for anyone to assess whether there was a possible conflict of interest.

I was the chair of the Public Accounts and Estimates Committee when it inquired into ways to strengthen government and parliamentary accountability. One of the things the committee found is reported in chapter 4, which states:

> … the committee considers that the ultimate responsibility for members' behaviour in Parliament lies with the members themselves. Therefore, it is the responsibility of each member to ensure that his or her behaviour meets the standard required while they are a member of the Parliament.

That is very much to the point.

Chapter 4 of that report, particularly sections 4.6 and 4.7, covered the register of members' interests and the code of conduct for members. In terms of the register of members' interests, as I said, I support this and indeed members need to support it. Over time people make changes to that register, and these changes become items of public interest. Those items include shareholdings. My own shareholdings — which I am happy to declare — have become an item of public interest, as they did in 2006, when I was publicly attacked. A former member for Mornington in this house, Robin Cooper, seemed to join in on that particular one, saying that my wife and I had a lot of shares in the National Australia Bank and BHP — it was some $32 000 worth — and it was said that that probably affected government decisions.

I am not a member of the executive, and I am happy to declare today that those shares are now worth $63 000, which is double their worth in 2006. Then I was accused by Robin Cooper of being a chardonnay socialist. Just for the record, I do not drink chardonnay. I prefer shiraz, as does the previous member for Burwood. He was selling cases of shiraz out of his office here in Parliament House without a liquor licence — for $1000, I might add. That was very interesting.

When my interests came up and I was attacked over my shareholdings the matter also related to the Leader of the Opposition. He has also been mentioned in this regard. It seems that shareholdings have some fascination. The Leader of the Opposition has been quite assiduous in recording his holdings over the years because there have been 28 deletions from his 2002 holdings and there have also been additions in the 2009–10 edition, as there have been to my entry. The register of interests shows substantial additions since the 2002 edition. They are mainly not in shares; they are in terms of community groups and other interests which members have in the community. As members of Parliament we get involved with the community.

I agree with the former Premier though who said that anyone who is sworn in as a member of the executive should have a different standard of accountability in terms of shareholdings and needs to act quite differently from an ordinary MP. I note that the new provisions deal with trusts, including blind trusts.

The member for Box Hill has produced a number of amendments to this bill. I note that he seems to have gone against recommendation 11 of the Law Reform Committee report entitled *Review of the Members of Parliament (Register of Interests) Act 1978*, which recommends that the addresses of members residences need to be shown just as a suburb. He seems to be demanding the full address, which I am sure the privacy commissioner has some views about. The member for Box Hill needs to read it a bit more carefully.

The other aspect I want to talk about is the behaviour of MPs. The member for Box Hill suggested the Ombudsman undertake a review and then submit the report to Parliament. This was actually looked at by the Public Accounts and Estimates Committee, and it found that:

> … it is not appropriate for the parliamentary behaviour of members of Parliament to be regulated by an authority that does not participate in Parliament.
>
> In the Victorian Parliament, the main instruments for regulating behaviour of members and for dealing with breaches of parliamentary privilege are the privileges committees of the Assembly and the Council. Both committees are empowered to investigate alleged breaches of parliamentary privilege and to report to their respective houses. In extreme cases, the privileges committees have the

power to recommend to Parliament that a member be expelled.

I continue my support of that particular line, which was supported by all the members of the Public Accounts and Estimates Committee.

I refer quickly to the code of conduct. I support the code of conduct, which is outlined very clearly, succinctly and fully. I commend the bill to the house.

Mrs VICTORIA (Bayswater) — I, too, rise to speak on the Members of Parliament (Standards) Bill 2010. This bill actually sets out values and a code of conduct that we as members are expected to comply with. These provisions will have a material effect on members, as they require them to make an appropriate disclosure when speaking on the bill in the house. That is certainly being done by those on our side of the house. It is therefore appropriate for me to make the following disclosure. In accordance with section 3(d) of the Members of Parliament (Register of Interests) Act 1978 I disclose that by virtue of my position as a member of Parliament I have what may be considered to be a material interest in relation to this bill.

I am a member of the Law Reform Committee, whose members did a substantial amount of work on the review leading up to this bill. It came about following a review of the 1978 act, which was introduced by Premier Hamer at the time. It was certainly groundbreaking. There were no other codes of conduct in place in parliaments anywhere in Australia, and the other parliaments followed suit quite quickly. We certainly started the process here in Victoria, and I have to say I am very pleased that we did. We, as members of Parliament, are constantly open to scrutiny, and we certainly need some guidelines by which we should run our public lives. It is when that scrutiny starts to encroach too much on our private lives that some, including some opposite, have a problem.

Amendments have been put forward by the hardworking member for Box Hill. He has done an extraordinary amount of work on the amendments proposed to be made to this piece of legislation. What is being proposed is an even tighter and more stringent set of rules by which we should be governed.

The Law Reform Committee report was handed down in December 2009. A few months later we are getting an almost comprehensive response to the recommendations. However, some of them have been left out. The minority report is clear on what it is the coalition side of politics thinks should have been included. I will get to those amendments in a moment.

What disturbs me is that so many pieces of Brumby government legislation that have come before the house since I was elected in 2006 have come back to us very quickly for amendment. We seem to always be amending pieces of legislation that have been rushed through. At the moment we do not have the numbers in the lower house to overturn bad pieces of legislation. Of course that will change in November. If I look at the number of amendments we have had to make over the past almost four years, I wonder why the pieces of paper that are brought before the house are not more clearly thought out and why we have to spend time debating amending bills when we could be getting on with other business.

I want to bring up something that the member for Narre Warren North said. He described the amendments circulated by the member for Box Hill as 'obscure and misguided'. I am not sure whether he has read the amendments fully, because I do not believe they are either obscure or misguided. As a member of the Law Reform Committee, I believe all of them make sense. He also said that there was no submission on an ICAC (independent commission against corruption). There may not have been a direct submission on an ICAC, but we had four public hearings, one of which was held in the New South Wales Parliament. Some of the witnesses giving evidence at those four public hearings came out and clearly stated that they thought there was a place for an independent broadbased anticorruption commission to deal not just with members of Parliament and those of us who are elected representatives but also with employees right across the public sector and beyond. I wonder why that was omitted from what the member for Narre Warren North said.

The bill sets out seven values which members should demonstrate in carrying out their public duties. They come down to things like declaring whether there is an immediate family member working in the office of an MP, whether there is a corporation or entity in which the member is an officer or has a controlling beneficial interest, creditors or debtors other than family members or financial institutions that are authorised financial institutions or people whose ordinary business is the lending of money or the supply of household or office-related goods or service, and whether there is a conflict there. It also includes gifts given to MPs.

One thing that I need to bring up is the part of the bill which will allow an MP to be sued by constituents who feel they have suffered considerable loss because that MP has failed in his or her duty to exercise reasonable care or diligence in a matter which has been brought before them. I can honestly say as an MP that we get an

extraordinarily wide range of cases before us. We have to be diligent in researching everything we do. I do not believe there would be any member of the house who would deliberately go out and let down a constituent.

Where this happens at a local council level, councillors are indemnified by insurance taken out by municipalities. Members of Parliament are not going to be afforded the same benefit. One must ask why that is and also whether that will mean people from different constituencies will be dealt with differently. Obviously whatever claims they make and whatever recompense they seek, the claim will depend entirely on the wealth of the MP. In my constituency they would have no luck getting anything out of me!

The other thing I have a problem with is the requirement for the disclosure of names and addresses of tenants in rental properties where the rent is over $2000 a year. One of the things the Premier has said when discussing this is that we need to be able to strike the right balance between public interest and private rights. One would argue that a tenant is a third party to the situation. It is possible, and even probable, that they have no political affiliation or any affiliation at all with the MP. I find the need to declare their full names and addresses a staggering measure for the Parliament to take.

One of the measures to be proposed in the amendments is the disclosure of any ongoing arrangements governing how a member will vote or decide on issues in the house. That would include things like caucus or parliamentary party rules or factional rules. The Liberals and Nationals do not have those types of rules, but if those sorts of rules exist, no matter what side of politics you come from, it is in the public's best interest to have them disclosed so the public can know that elected representatives of particular districts may not be representing the public but may vote not just along party political lines but also along factional lines. I find that difficult to understand.

I applaud the fact that the member for Box Hill has included in the circulated amendments a provision requiring MPs to declare any government-paid people working for them. Some of the measures in this bill are worthwhile. We need to be governed by a particular act, and some of the provisions of the bill are appropriate. But I do not think it has gone nearly far enough. If we are going to have these types of standards and laws and regulations to abide by, they need to be fair dinkum. They need to be honest and in the best interests of members of the public if they are the ones we are here to serve.

Mr HOWARD (Ballarat East) — With the short time that I have, I am pleased to speak briefly on the Members of Parliament (Standards) Bill. It is appropriate that members review issues associated with standards of behaviour, and this debate and the process of review of our codes of conduct for all members of Parliament is important.

The public should be confident that their elected representatives in Parliament act according to high standards. Sometimes some actions of some MPs — often amplified by the media, I might add — have led members of the public to question the standards of MPs. Therefore it is even more important that we review our behaviour and make greater attempts to assure the community that we will maintain the high standards required of their community leaders.

As we have heard, this bill follows on from the reports of the Public Accounts and Estimates Committee and the Law Reform Committee and takes on board many of the recommendations to put in place sound procedures. When you look at the proposed wording of the code of conduct, you can see that we are emphasising that members must see their role as MPs as their prime responsibility — their public duties should be their prime responsibility. We want to see that we exercise reasonable care and diligence and that we act to show people respect, and that is something the public does not always see. In general we have seen that MPs act well and have a high level of behaviour, but this bill will support — —

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL

Second reading

Debate resumed from 13 April; motion of Mr BATCHELOR (Minister for Energy and Resources).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL

Second reading

Debate resumed from 14 April; motion of Mr HULLS (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Consumer affairs: residential parks

Mr K. SMITH (Bass) — My adjournment issue is for the Minister for Consumer Affairs, and I ask the minister to again look at the legislation governing long-term leases in residential parks and villages to give some security of tenure to residents of these villages, which are growing rapidly not only across my electorate but also across Victoria. Many, if not all, members would have one or more of these parks or villages in their electorates.

These villages have small homes constructed on them, usually with a community centre, sometimes a swimming pool and often a bowling rink. They are constructed on site on stumps and bearers, and are paid for by the person who will live there, who is usually over 50 years of age. The land that the homes stand on is not owned by the homeowner but by a developer who leases the land to the homeowner, who then pays a fortnightly fee to the landowner for the use of the facilities on site, for keeping their garden tidy, their rubbish collected and to contribute towards rates. Some developers offer leases of up to 99 years, but others offer leases of only 1 or 2 years, and that is the problem.

Those people on short-term leases have no security of tenure. The average cost of these homes is about $80 000, but it can go up to about $120 000 or even $140 000 in some cases. People often use their retirement savings to have these homes built. They build them as an alternative to more costly retirement villages. They are usually, but not always, low-income earners who are looking for an alternative lifestyle in a low-maintenance dwelling amongst similar people, many of them being single women.

The definition of a mobile dwelling is that it is able to be moved in 24 hours, and they are also expected to have a lifespan of maybe 15 years, yet these buildings are built using the same construction methods as ordinary homes; they are just smaller. They require council building and planning permits, and they often have garages or carports attached to them.

Currently the homeowners who have short-term or no-term leases are concerned that they could be ordered out if the landowner wants to sell the site or just wants them out. The Housing for the Aged Action Group — or HAAG, as it is known — has had discussions with the government seeking minimum 50-year leases, but the government is offering only 5-year leases. The minister must understand that these are not caravan park dwellers who can just hook up and drive off when they choose, but people who have invested their life savings into their homes.

I ask the minister to look again at the issue of the legislation. These villages should not come under the Caravan Parks and Movable Dwellings Act but under a specific piece of legislation to cover this type of home and to give these homeowners some security of tenure for the latter years of their lives.

Parkmore Primary School: funding

Ms MARSHALL (Forest Hill) — I raise a matter for the Minister for Education. The action I seek is for the minister to support Parkmore Primary School in its bid to secure funding to ensure the timely realisation of its modernisation project.

There are 19 schools in my electorate of Forest Hill, and I am fully engaged and in constant contact with every one of them, and Parkmore Primary School is no exception. Whether it is participating in a badge presentation, giving a speech on leadership, recognising students who might not normally receive recognition outside school, congratulating students who have entered one of my annual competitions or announcing funding for building works, I am now seen as more of a fixture than a visitor to these schools.

The current funding issue facing Parkmore Primary School has been the topic of numerous discussions between me, the wonderful principal, Glenda Prior, and parents since last year. I have written letters and spoken to the minister and her office on a number of occasions in support of the school and its modernisation project.

Along with the school community I was pleased that after extensive lobbying the Victorian government allocated $2.35 million in the 2009–10 budget towards the school's almost $4 million modernisation project. This, combined with the federal government's injection through the Building the Education Revolution program, has allowed construction to begin.

However, the school community is concerned that if concurrent funding of approximately $850 000 is not made available in the forthcoming state budget, it will be to the detriment of the students. The school's principal and a number of parents have said that the approved master plan for the modernisation project does not lend itself to a staged building process. This means that the termite-infested buildings — they have been treated, but no physical work has been done on the flooring — would still remain. It also means the school will not have a cohesive building, with the office likely to be placed well away from the new buildings. One design, one template and one build would be far more cost effective, and given that the actual building program would go over two budget periods it would be wonderful if this funding request were accommodated.

The school's master plan supports open learning areas, integration of the local preschool onto school grounds and increased community engagement. This is a school very much focused on community engagement, with strong ties to Deakin and Monash universities. Sporting clubs utilise the grounds for weekend fixtures, and in the event that the school gains the funding needed, the multipurpose room that is proposed would be available for community use.

With academic results above the state mean and parents and staff opinion survey results consistently in the fourth quartile, Parkmore Primary School is most deserving of this complete upgrade. The school's infrastructure is a model of its time, with visibly dated buildings. Whilst what goes on inside the classrooms at the school is nothing short of amazing, modern open learning spaces could bring a great deal to this school and the local community.

I ask that the minister allocate the funding necessary to ensure Parkmore Primary School has 21st century facilities to provide the students of Forest Hill with a 21st century education.

Latrobe Regional Hospital: beds

Mr NORTHE (Morwell) — I raise for the attention of the Minister for Health a matter relating to the need to increase bed capacity at Latrobe Regional Hospital (LRH). This would alleviate stress upon the hospital's emergency department (ED) and reduce elective surgery waiting lists.

From the outset I should state that staff at LRH do a wonderful job, something I can attest to on a personal level. However, there are many challenges confronting LRH and its staff, including the enormous growth in ED presentations and hospital admissions over a period of time. One has only to compare ED presentations and total hospital admissions from 2005 to the latest statistics available to see this. In 2005 there were 25 501 hospital admissions, compared to 28 076 in 2009. ED presentations in 2005 sat at 25 015, and this has increased to 28 223. The significant increases in ED presentations and admissions place enormous pressure on LRH's ability to meet its performance targets.

Comparing benchmark targets from July to December 2005 to those of January to June 2009 one gets some sense of why the increase in ED presentations and admissions impacts upon hospital targets. In 2005 the number of patients admitted to beds within 8 hours was 79 per cent, yet that figure has fallen to 65 per cent. The figures for triage 2 and 3 patients have fallen by 12 per cent and 8 per cent respectively.

Similar issues exist for those waiting for elective surgery, with the number of patients growing while performance targets decline. The latest figures show 20 category 1 patients listed compared to 3 in 2005.

The number of category 2 patients listed currently sits at 235 compared to 137 in 2005, whilst there were 991 category 3 elective surgery patients listed in 2009 and 736 in 2005.

In the financial year 2008–09, 70 patients at LRH were forced to wait longer than 24 hours in the ED, whilst the commonwealth Department of Health and Ageing's *State of Our Public Hospitals* report shows that Victoria has only 2.3 beds per 1000 head of population — the fewest in Australia. I acknowledge that recent government investment in elective surgery has assisted to some degree, but greater investment in beds needs to occur.

I understand there have been a range of initiatives already introduced by LRH to improve performance standards, and it is common knowledge that a master plan is currently being developed — a plan I hope this government will support. The announcement last week by the federal government of funding for the Gippsland Cancer Care Centre and Rotary Centenary House located at LRH was very much welcomed. The 414 additional radiation treatments and 8000 chemotherapy treatments this will provide per year will greatly benefit the Gippsland community. Likewise, the redevelopment of Latrobe Community Health Service facilities in Morwell will improve the delivery of local health services. However, the minister needs to increase bed capacity at LRH to make a real difference to improving health service delivery in Gippsland.

Healesville and District Hospital: funding

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Health. The action I seek is for the minister to fund the upgrade of the Healesville and District Hospital. This hospital provides quality care to the community, and the local community has a deep and ongoing commitment to it.

In recent years a service review was announced for the hospital at Healesville, which scared members of the community who were concerned about whether the hospital would continue to provide services that they expect into the future. This fear obviously harks back to the threat that hung over smaller rural hospitals in the Kennett years. People remember that era very well and are protective of their hospitals, which they want to keep in operation providing local services. I spoke to the health minister about this process at that time, and he assured me that the process was about ensuring the hospital provides relevant and responsive services to the community for this century as well as ensuring the fabric of the hospital building matches the quality of care the hospital provides to that community.

Whilst some equipment and services have improved in Healesville hospital in the time of the Bracks and Brumby governments, not much has been done to upgrade the building, and the hospital is certainly ready for a makeover. The hospital site also provides community health services, and further support to the hospital itself and its buildings would make a big difference to the confidence of people who wish to retain a local service.

The Bracks and Brumby governments have completed some fantastic upgrades to local health and aged-care facilities right across the Seymour electorate. At Alexandra we have a $20 million project going on at the moment to build a brand-new hospital and ambulance station. We have put a lot of funds into boosting ambulance services not only in Alexandra but right across the area. We have a new ambulance station being constructed and near completion in Yea, new ambulance stations in Kilmore and Seymour, and we are upgrading Barabill House in Seymour.

We have upgraded the hospital and aged-care service in Yea, and Kilmore and District Hospital has also received some funding over time to make its services more accessible and its hospital more usable. Therefore it really is the Healesville hospital's turn to have an upgrade, and I ask the minister to find some funds to ensure that the fabric of the Healesville hospital matches the quality of the services it provides.

Motor vehicles: registration

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Roads and Ports to waive the VicRoads requirement that vehicles damaged in Melbourne's recent hailstorm have to undergo vehicle identity validation (VIV) inspections before being re-registered. While much is being made of the cost of repairs to homes and businesses, Victorian motorists are being left out of pocket thanks to regulations that were introduced to stop stolen cars being rebirthed. If the owner of a vehicle produces their drivers licence and obtains a roadworthy certificate before renewing their registration, surely a VIV inspection becomes unnecessary in the case of vehicles declared to be repairable write-offs.

When a similar weather event occurred in Western Australia the Liberal government there was quick to adopt a common-sense approach to this matter. As is the case in Victoria, Western Australian law allows for the cancellation of the registration of any vehicle

considered a repairable write-off in order to prevent it being used for unlawful purposes. But the Liberal government in Western Australia recognised that an exemption needed to be made when dealing with victims of storm damage. Its move to allow motorists to continue to drive their damaged but roadworthy vehicles was welcomed by the Royal Automobile Club of Western Australia. If the government and insurance companies in Western Australia can agree that this course of action is in the public interest, why can the Brumby Labor government not do the same?

The process of a VIV inspection is time consuming and expensive. A vehicle must be booked in for an inspection at a VicRoads accredited inspection point. It must then be left at the inspection point for at least one day, and the owner is not allowed to be present while his or her vehicle is being inspected. The inconvenience is heightened by the fact that motorists cannot nominate a specific inspection point they wish to attend — this is dictated to them by VicRoads at the time of booking.

Further to this is the financial cost of a VIV inspection. In Victoria it costs $484. If they have to cancel their appointment for any reason, motorists are charged a $68 cancellation fee. The Liberal government in Western Australia has allowed motorists to pay a reduced inspection fee of $59.70 if they can prove they are the original owner of the vehicle.

In allowing hail-damaged vehicles to remain on the road the chief executive of VicRoads said the allowance was being made to minimise the impact of delays motorists would experience when booking their cars in for VIV inspections. These vehicles are not stolen or rebirthed, so why not go one better and scrap the requirement for a VIV inspection altogether?

It is clearly not in the public interest for vehicles suffering hail damage to be treated the same way as those that have been stolen or rebirthed. It is clearly not in the public interest for motorists to temporarily lose the use of their vehicles and potentially place even more pressure on a public transport system that is already stressed, and it is clearly not in the public interest to place further financial hardship on motorists already facing panel repair bills on top of the other hefty costs associated with running vehicles.

I ask that the minister take a common-sense approach and waive the need for owners of hail-damaged vehicles to go through this costly and time-consuming inspection process.

Timbarra secondary college: funding

Mr DONNELLAN (Narre Warren North) — I rise to seek action from the Treasurer. Specifically I am seeking funding for the second stage of the Timbarra secondary college building project in Berwick. This project is very important for my local community. It involves the construction of facilities for years 7 to 9 students, including classrooms, reading spaces and the like.

Construction has already begun on the majority of the buildings for the school, but this second stage will fully complete the learning space for students. I am very excited about the current stage, which includes three basketball courts, with the majority of the funding being provided by the state and federal governments. I believe the council is contributing some $900 000, the federal government is contributing $2 million, and the state government is contributing $500 000 to the project specifically to deal with the basketball courts, which are in addition to the school.

I was rather concerned recently to see the federal member for La Trobe and the mayor of the City of Casey claiming credit for the project. The mayor voted against the council providing funding for the basketball facilities, and I did not see any money coming from the Howard government for this project. There is nothing worse than seeing people dishonestly claiming credit for projects they have had nothing to do with. Let us leave these little stunts alone and focus on the benefits the school will provide.

It will provide a great learning space, the opportunity for primary students to continue learning in one place and great community facilities for groups like the Oatlanders Outlaws Basketball Club and for local residents. Previously the area did not have any large meeting spaces for large community events or for school plays and the like, so it is not only for Timbarra but also for other schools in the area. Now they will have spaces where they can host substantial sports activities and have substantial meetings.

The school itself will be a marvellous addition to the facilities providing education services in the local area, but it will also be an enormous addition to community facilities based near the shopping centre and will very much finish off the local subdivision in the Parkhill area. My specific request is for funding from the Treasurer for the second stage of this building project in Berwick.

Country Fire Authority: Neerim South station

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to expedite the purchase of land in Neerim South for a new fire station. The issue of a new fire station in Neerim South has been on the drawing board since 2003. Initially there was a proposal to extend the station on the current site, but this was found to be impractical. Then a proposal to develop a joint facility for Rural Ambulance Victoria and the Neerim South fire brigade was developed and became part of a pre-election commitment in 2006. The Neerim South fire station had funds allocated in the 2006–07 financial year for the purchase of the property adjoining the station. The plan was subsequently abandoned and Rural Ambulance Victoria has proceeded independently and purchased land to service its needs only.

In a letter addressed to Mr Brian Barwick, dated 11 May 2009, from Neil Bibby, CEO of the Country Fire Authority, Mr Bibby indicated that the CFA would be progressing the search for an alternative site for a new station. To facilitate this action Mr Bibby indicated that a budget allocation for the purchase of land would occur in the 2009–10 year, and that has occurred. A suitable site has been identified, but Mr Martin Embery, the CFA's manager of assets and planning for Gippsland, has failed to negotiate the purchase of land.

The issue is that the availability of most suitable land in Neerim South is very limited, and the continuing population growth in the area means land appropriate for a fire station is becoming increasingly difficult to find. The land identified as suitable and available is in an excellent location, is flat, has very good access to the main road and is large enough to accommodate the current needs of the fire brigade with room for future expansion, which will definitely be a requirement given the population growth in the area. It is absolutely imperative that this piece of land be purchased as soon as possible or it will be sold and utilised for other purposes.

Given the long delay with this project, the morale of the members of the Neerim South fire brigade is at an all-time low. They are still recovering from the trauma of the Black Saturday fires. On that day of tragedy they served their community with great distinction. The very least the minister can do is deliver a longstanding promise of this Labor government and reward the amazing service and commitment of the Neerim South fire brigade members to their community over many years. I call on the Minister for Police and Emergency Services to take immediate action and provide Mr Martin Embery with the resources and direction to negotiate the purchase of the identified land immediately.

Freeways: noise attenuation

Mr STENSHOLT (Burwood) — My adjournment matter is directed to the Minister for Roads and Ports. The action I seek is that he and VicRoads consider new technologies that assist in reducing freeway traffic noise for nearby residents. I am particularly interested to see what types of new technologies may be useful and how these technologies could be implemented to assist residents in my electorate and those living nearby in other electorates.

During works on the $1.4 billion Ml upgrade, the M1 Alliance has upgraded the road surface using open-graded asphalt, which is assisting to reduce noise on the freeway. My understanding is that the asphalt is an open honeycomb arrangement which has little voids in it so that water goes through it and drains away more quickly. As a result of this, vehicles can stop more quickly and line markings are more visible. There is often a gloss on the road when it is wet, and you cannot see the line markings. The honeycomb arrangement makes it easier to see the markings, and this provides road safety benefits.

More aptly, in terms of the issues that I am raising, noise can be generated by tyres rubbing on asphalt but with the open-graded asphalt the noise is absorbed through these honeycomb-type voids. This helps to reduce noise by more than 2 decibels. My understanding is that early testing of this new technology east of Warrigal Road is showing substantial noise reduction. I look forward to there being further comprehensive testing and to seeing the results of such testing to determine whether the impact is right across the areas in which the M1 Alliance has been building near my electorate.

I commend the minister for introducing this type of road surface. As I mentioned recently, residents in my electorate, particularly in Ashburton and Glen Iris, are still experiencing excessive noise, including from many trucks that are still using engine brakes at night. I have previously called on the minister to initiate action to ensure drivers do not use their air brakes in this area and to install a noise camera near Darling railway station. I look forward to receiving the minister's response to these requests for action.

But today I call on the minister to look at what further new technologies could be used to assist in reducing noise along freeways. I ask that he consider how he

could apply such technologies for the benefit of residents. An evidence-based analysis of these technologies would enable decisions to be made for the future about how to get value for money and deliver effective outcomes for local communities.

I know universities and other organisations are doing research on a range of such technologies in terms of road surfaces and also in terms of the design of noise barriers and the introduction of noise-deadening compositions and their application to homes and other buildings. We know all about double glazing and other methods of reducing noise and helping to attenuate its impact. I ask the minister to consider, look into and study the new technologies to try to improve things.

Metro Trains Melbourne: offensive emails

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Premier in his capacity as Minister for Multicultural Affairs. The action I ask for is that the Premier investigate a number of emails from management of Metro Trains Melbourne that, if they are authentic, I find offensive and unpleasant. We have already had some allegations made against a small number of police officers relating to alleged racist remarks, and given that charges might be laid against these police officers over the alleged abuse of African youths, I urge the Premier to take this matter seriously and investigate these emails that are being circulated by senior managers in the public transport sector.

I find the emails totally offensive. You would think that senior staff at Metro Trains would concentrate on getting train services that arrive on time, are safe for commuters and are efficient. Instead some staff at Metro Trains are not concentrating on their core duty but seem to be spending their time forwarding naive emails that spread misinformation and conspiracy theories. In fact this train of thought is off the rails and not what commuters expect from the Brumby government train operator's managers.

This email seems to have been forwarded by the Metro Trains Melbourne building manager at Flinders Street station to the Metro Trains Melbourne auditing and ticketing manager. Amongst other things this email, which is marked 'Please read and forward on, very important', says — and I quote:

> I went straight to the fridge after reading this and looked on the back of a packet of Bega thick and tasty slices, sure enough the symbol was there — very small but there. I will be checking all my shopping from here on.
>
> I have also checked Bega cheese and will return it today.

It goes on further to say:

> The round symbol is the Muslim symbol. The … symbol is that of the Halal Certification Authority Australia.
>
> This is a Muslim association that collects money from the Australian food industry for this symbol so that Muslims will purchase the product. Yet we are told the Muslim population are only 1.5 per cent of Australia's total!
>
> On a recent radio talkback show a well-known host was alerted to this practice.

Further on the email says:

> It was explained that by buying those marked products at least you are supporting a religion that is actively trying to destroy the Australian way of life or at the other extreme the money may be supporting terrorism. Many Australian companies are paying this money, including Bega, Cadbury and many other well-known companies.
>
> Check before you buy.
>
> Do you know where that money is going?
>
> Until you know, support those companies that support the Australian way of life.

I find these types of remarks appalling as do, I am sure, all members of this house. I hope the Premier will investigate these emails to make sure nothing like this happens again. They contain misinformation and mistruths. This is what causes racism to grow. We have to put a stop to it now to make sure it does not grow out of proportion.

Cultivating Community: community enterprise grant

Ms THOMSON (Footscray) — The matter I wish to raise is for the Minister for Community Development. I ask the minister to take action to support a community enterprise grant application by Cultivating Community, a not-for-profit organisation that focuses on health promotion, disease prevention and food security. The organisation has grown out of support for community garden projects in inner city public housing estates, that have led to the cultivation of a large number of community gardens and school gardens.

It now seeks funding to support the growth and development of four fixed fresh fruit and vegetable markets and six mobile markets in the western metropolitan region. I understand that one of these fixed markets will be in the Maidstone-Braybrook area in my electorate. Cultivating Community seeks $35 000 to enable it to undertake comprehensive operational planning and business development to get this project off the ground. As well as the establishment of an

enterprise it will use the funds to organise training and referral providers, develop business guidelines and establish financial and human resources strategies as well as guidelines for project sustainability and volunteer management.

This project is much more than a business venture. It aims to achieve some very worthy social outcomes. Firstly, the enterprise aims to provide employment, training, work experience and employment pathways to disadvantaged job seekers. Secondly, it aims to meet the food security needs of residents in the western metropolitan region and support local economic development and social inclusion.

I am aware that the Brumby government has funded a number of very worthwhile community enterprises through its community enterprise grants program, and I firmly believe the application by Cultivating Community is deserving of government support. That is why I ask the minister to support this enterprise and ensure the continuation of Cultivating Community's fantastic work.

Responses

Mr CAMERON (Minister for Police and Emergency Services) — The member for Narracan raised a matter with me in relation to land for a new fire station in Neerim South. The reason the Country Fire Authority is such a great organisation is the great work of the many brigades across the state, including the Neerim South brigade. The member has spoken to me about issues related to the location of land, and I will take the matter up with the CFA.

Ms D'AMBROSIO (Minister for Community Development) — I thank the member for Footscray for raising a matter with me. She demonstrates great support for the community enterprise grants program, and I acknowledge her interest in this particular grant application. The member asked me to support a community enterprise grant application by Cultivating Community, an organisation that is seeking to develop and grow four fresh fruit and vegetable markets and six mobile markets throughout the western metropolitan region.

The aim of the community enterprise grants program is to support development of community enterprises and not-for-profit businesses that meet local needs. These grants are designed to create employment and training opportunities in places of disadvantage and to support local economic development. It is about targeting areas and groups that are doing it tough. The program has committed $14 million in social and community enterprise development since 2004.

An honourable member interjected.

Ms D'AMBROSIO — Some $14 million. I am being asked to emphasise the great level of support this government has for this program. In that time alone we have supported 108 social and community enterprises which have created over 1100 jobs and training opportunities — not an insignificant number. Beyond that the program has developed cross-sector partnerships with philanthropy, strengthened emerging migrant and refugee communities and developed resources and toolkits for social business planning. All of those spin-off benefits are about creating or increasing the possibilities for sustaining these types of enterprises that are blossoming throughout our community. It is an amazing effort, and it is clear evidence of this government's commitment to a sustainable approach to tackling disadvantage.

Our research tells us that strong communities are active, resilient and confident and they provide support and opportunities for all who live and work in them. Social enterprises play a very strong role in that community strengthening. We recognise that community enterprises play a very strong building role in strengthening and connecting communities, and that is very important. They are a vital part of this government's strategy to make Victoria not only a terrific place to live, work and raise a family but also the fairest place we can make it.

I understand that Cultivating Community's application is being considered at the moment, and I will be looking at it very carefully in the coming weeks. For now I thank the member for Footscray for bringing the matter to my attention.s

Mr WYNNE (Minister for Housing) — The member for Bass raised a matter for the attention of the Minister for Consumer Affairs relating to the issue of longerterm leases and security for tenants currently living in semi-permanent accommodation in caravan parks. This is a matter that the Minister for Consumer Affairs and I are actively working on. As I am sure the member for Bass is aware, there is a set of issues that will need to be tackled in trying to strike a balance in terms of security of tenure for these residents, who are a different set of residents to those who are living in more transitory situations. I can assure the member that the Minister for Consumer Affairs is exercising his mind on that matter.

The member for Forest Hill raised a matter for the attention of the Minister for Education seeking support for an $850 000 budget for the development of stage 2 of the Parkmore Primary School in her electorate, and I will make sure the minister is made aware of that request.

The member for Morwell raised a matter for the Minister for Health seeking an increase in bed capacity at the Latrobe Regional Hospital, and I will make sure the minister is made aware of that request.

The member for Seymour also raised a matter for the Minister for Health seeking support for the upgrade of the Healesville and District Hospital, and again I will make sure the minister is made aware of that.

The member for Bayswater raised a matter for the Minister for Roads and Ports in relation to vehicle identification procedures through VicRoads as a result of the recent hailstorm damage to vehicles, and I will again make sure the minister is made aware of that matter.

The member for Narre Warren North raised a matter for the Treasurer seeking financial support for the second stage of the Timbarra secondary college years 7–9 school project, and I will make sure the Treasurer is made aware of that matter.

The member for Burwood raised a matter for the Minister for Roads and Ports seeking the support of the minister for noise attenuation measures along the major freeways in his electorate and an evidence-based approach to any new technologies that may be emerging in that space.

The member for Bulleen raised a matter for the attention of the Premier as the Minister for Multicultural Affairs seeking an investigation by him into very offensive and allegedly racist emails that were being circulated among management at Metro Trains Melbourne. I note for the record that the member for Bulleen has now provided me with those emails, and I will make sure they are brought to the attention of the Premier.

The SPEAKER — Order! The house is now adjourned.

House adjourned 4.36 p.m. until Tuesday, 4 May.